

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



**OFFICIAL COMMISSION MEETING**

January 13, 2016  
One Judiciary Square, 441 Fourth Street, NW, Room 1117

**ATTENDEES**

**Commissioners:**

Commissioner Fowlkes, Chairperson  
Commissioner Aizawa  
Commissioner Bornstein  
Commissioner Figueroa-Garcia  
Commissioner Maier  
Commissioner McCollough  
Commissioner McLeod  
Commissioner Mulhauser  
Commissioner Robinson

**Office of Human Rights Staff:**

Monica Palacio, Director  
Elliot Imse, Policy and Communications  
Brian Ferguson, Human Rights Officer

**Commission on Human Rights Staff:**

David C. Simmons, Chief ALJ  
Dianne S. Harris, ALJ  
J.P. Howard, ALJ

**Members of the Public:**

Michael Sindram

**MEETING**

**I. CALL TO ORDER**

The meeting was called to order at 6:35, since no officers were present, the Commission selected a designee as Chair *Pro Tempore*. Commissioner Robinson volunteered and was selected by the Commission for the role.

**II. ROLL CALL**

The CALJ conducted the roll call. Eight Commissioners were present. The official meeting commenced at 6:36 pm. Chairperson Fowlkes arrived soon thereafter.

### **III. ADOPTION OF THE MINUTES**

Chair Pro Tempore Robinson directed the Commission's attention to the Minutes from the November, 2015, meeting. The Commission approved the Minutes.

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

Monica Palacio, Director of the Office of Human Rights gave the report of the Director.

The Office's budget preparation meeting and budget oversight hearing is April 6, 2016, and performance oversight hearing is February 23, 2016. The Office has brought on two investigators to replace two that were leaving. The Director reviewed the inventory of cases and highlighted that the Office has received over seven hundred (700) inquiries and docketed four hundred and thirty seven (437) cases under the Fair Criminal Record Screening Act ("FCRSA"). The Director introduced Brian Ferguson, the Human Rights Officer responsible for investigating FCRSA complaints and noted that he will be available to take questions.

The Director noted that Council Member Orange introduced new pregnancy protection legislation in January 2016. The Director will also be testifying at hearings regarding employment protections for victims of domestic violence and the Fair Credit History Screening Act on January 26, 2016. The Director drew attention to legislative updates from the Office with regard to the Language Access for Education Amendment Act of 2015 (B21-0066); Language Access Compliance Amendment Act of 2015 (B21-0375); and Universal Paid Leave Act of 2015 (B21-0415).

The Office will be doing a series of business trainings to help businesses understand the statutes that affect them and comply with the law. Recently, the Office has finished a campaign entitled Beat Bias and held a TedX conference entitled EVE (Everyone Values Equality). Director Palacio also presented a Ted talk at the TedX Midatlantic conference. A Commissioner requested the video from the talk and the Director indicated that she expects TedX Midatlantic will have it available soon.

Several questions were fielded with regard to the Office's upcoming oversight hearings. Brian Ferguson was reintroduced and took questions providing clarification to the Commissioners on FCRSA matters. Mr. Ferguson also addressed the stages of an FCRSA matter and the Office's outreach efforts to educate the business community in the District.

### **V. REPORT OF CALJ**

Chief Administrative Law Judge David C. Simmons gave the report of the Chief ALJ. Judge Simmons addressed the dramatic increase in inventory at OHR and that the Commission is starting to feel the impact with an unprecedentedly large docket. The Commission's docket currently has: twenty-two (22) Commission Cases, of which thirteen (13) are new in FY 16; eleven (11) Office Cases, of which two (2) are new; and seven (7) CBX cases, of which two (2) are new.

In the Commission's planning for FY16 we aim to close sixteen (16) cases. That number is ambitious. Judge Simmons explained that a case normally closes in 15-18 months. The Commission has had a strong start to the year closing six (6) cases thus far. Judge Simmons also addressed the growing goals with regard to Office and CBX cases.

Judge Simmons reported that five (5) Commissioners are in holdover status. Two (2) of those Commissioners, who have been very faithful and active, have expressed a desire to be reappointed to the Commission. That desire has been communicated to the Mayor's Office of Talent and Appointments by those Commissioners, the Chief Judge, and the Chair. Judge Simmons stated, "We are fighting very hard to keep these two stalwarts with us".

Judge Simmons explained that there are a number of plans on training. CBX training is being prepared and Judge Simmons will be reaching out to the Commission to schedule a date for the training. The Commission's ALJ staff is also working on a training session about litigating before the Commission. That training may be with the DC Bar and will likely make use of the Commission's Litigation Manual for *pro se* parties.

Judge Simmons asked the Commissioners to review the Commission roster and update their information as appropriate and noted the Commission meeting dates for 2016. Finally, Judge Simmons noted that we can anticipate a need for additional personnel if our docket continues to grow. He also stated that the Commission has had great luck finding pro bono law clerks. He introduced the Commission's current clerk, Miri Gold, who was not present and gave her background. The Commission is looking for a law clerk for the summer.

## **VI. OLD BUSINESS**

Chief Administrative Law Judge Simmons gave the report of the Rules Committee. He addressed the final recommended version of the changes to Chapter 4 and gave a summary of the proposed changes. Chapter 4 was motioned for acceptance and by a vote of 8-1 the measure passed.

## **VII. NEW BUSINESS**

Chairperson Fowlkes was involved in an accident on the way to the Commission meeting in an Uber car, the driver was hearing impaired and had considerable difficulty with the police officer and ambulance driver who could not help him because no one spoke sign language. Chairperson Fowlkes had to stay and assist and demand someone come so that they could provide services. He was shaken up and very concerned by the situation and the service that the driver would not have received if he had not been there to advocate.

The Chairperson opened the floor for nominations for Commission Officers. Commissioner Robinson nominated Commissioner Ward for Vice Chair and Commissioner McCollough seconded. No other nominations were made. The Commission unanimously approved.

Commissioner Robinson nominated Commissioner Aizawa for Secretary and Commissioner Maier seconded. Commissioner Aizawa accepted her nomination. No other nominations were made. The Commission unanimously selected Commissioner Aizawa as Secretary.

Chairperson Fowlkes started the discussion on the Human Rights Awards and discussed how wonderful the event was and that his friends in attendance enjoyed the event. Chairperson Fowlkes was pleased with the venue and menu and noted that the address presented by the awardee, Nkechi Taifa, was a particular highlight. The Commission continued discussion of the event widely agreeing with the sentiments expressed by Chairperson Fowlkes. Nkechi Taifa's address was universally enjoyed and lauded by all. The Commission all felt that the speed and duration of the program was excellent for a weeknight event as well. Several Commissioners addressed a desire to involve the Youth Human Rights Ambassadors and also a concern that after continual attendance of the Mayor at past ceremonies, this was the first year that the Mayor was not in attendance. The Commissioners approved seeking to book the venue preliminarily for the 2016 Awards.

The Chief Judge announced the need for three (3) tribunals. Chair Fowlkes asked for volunteers and nine (9) Commissioners volunteered for the tribunals. The Chairperson and Chief Judge will follow up with respect to the assignment to tribunals.

## **VIII. COMMUNITY COMMENTS**

Michael Sindram addressed the Commission and provided community comments.

In her private capacity, Commissioner Mulhauser provided comments regarding CEDAW, the Convention on the Elimination of all forms of Discrimination Against Women. The U.N. Association is involved in bringing this global issue of human rights to the awareness of local municipal governments. She reported that there are a number of cities across the country that have passed legislation to implement the principals of CEDAW. She encouraged the Commissioners to be aware of CEDAW and the efforts to promote legislation in the District.

## **IX. ANNOUNCEMENTS**

Monday is Martin Luther King, Jr. Day. The MLK Day parade will take place at 10:00 am in Southeast starting at St. Elizabeth's. Director Palacio will be walking with the Mayor and OHR is looking for others to participate.

## **X. ADJOURNMENT**

The Commission's January public meeting adjourned at approximately 8:08 pm.