

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



**OFFICIAL COMMISSION MEETING**

September 13, 2017  
One Judiciary Square, 441 Fourth Street, NW, Room 1117

**ATTENDEES**

**Commissioners:**

Earle Fowlkes, Chair  
Commissioner Ward, Vice Chair  
Commissioner Aizawa, Secretary  
Commissioner Figueroa-Garcia

Commissioner Maier  
Commissioner Muhammad  
Commissioner Robinson  
Commissioner Thomas

**Office of Human Rights Staff:**

Hnin Khaing, Deputy Director  
Charles Thornton, Special Assistant to the Director

**Commission on Human Rights Staff:**

David C. Simmons, Chief ALJ  
Dianne S. Harris, ALJ  
J.P. Howard, ALJ  
Daniel Gick, Incoming Law Clerk

**Members of the Public:**

Michael Sindram

**MEETING**

**I. CALL TO ORDER**

Vice Chairperson Ward called the Commission's Official Meeting to order at 6:37 pm.

**II. ROLL CALL**

Secretary Aizawa conducted the roll call, a total of six active Commissioners were present initially. The Commission began its official meeting; however, a quorum was not present to take official action. At approximately 6:40 pm the Chairperson and an additional Commissioner arrived and a quorum was present. At that time Vice Chairperson Ward turned the meeting over to Chairperson Fowlkes.

**III. ADOPTION OF THE AGENDA**

Chairperson Fowlkes entertained a motion to amend the agenda to include a presentation from Hnin Khaing, Deputy Director of OHR, regarding two new laws that will soon take effect. Commissioner Robinson moved to accept the amendment and adopt the agenda. The motion

was seconded by Commissioner Aizawa and carried by acclamation.

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

Chairperson Fowlkes called the question on the Adoption of the Minutes. Commissioner Robinson moved to adopt the May and July, 2017, Minutes. Commissioner Ward seconded the motion which carried by acclamation.

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

Hnin Khaing, Deputy Director of OHR, gave the report of the Director. Deputy Director Khaing introduced Charles Thornton, the Special Assistant to the Director for the Fair Criminal Record Screening Act (“FCRSA”) program. Mr. Thornton addressed the Commission providing his greetings, explaining his background, and discussing the change in public policy from discussion of criminal justice to now focusing on human justice. He emphasized the District’s leadership in this change of focus.

Deputy Director Khaing then highlighted points of the written Director’s Report provided to the Commission including:

- The Office will place new standard operating procedures into effect October 1, 2017;
- OHR is working on educational initiatives for two new laws going into effect soon;
- Business education and outreach efforts by a new Fellow at OHR, including gender neutral bathrooms, FCRSA, and the upcoming laws;
- 1,300 inquiries have been made regarding FCRSA and 148 are pending on the docket;
- An NIH grant for the Bullying Prevention Program and collaboration efforts;
- A review of recent legislative activity from the City Council and regulatory work at OHR, including the new Language Access bill.
- A D.C. Human Rights Amendment Act proposed by the Metropolitan Washington Employment Lawyers’ Association (“MWELA”) – which would allow complainant attorneys to remove a case and start the case over at the D.C. Superior Court even after completing the administrative process and receiving a decision from the Commission.

Several Commissioners had questions about the D.C. Gender Neutral Bathroom law. Several Commissioners had questions about the MWELA D.C. Human Rights Amendment Act. Discussion occurred regarding whether the MWELA Act would have the same effect on D.C. Government and private cases. The Commissioners clarified that, unlike the federal Title VII, there is no administrative exhaustion requirement in the D.C. Human Rights Act and complainants can proceed directly to court without ever entering the administrative process. Further discussion occurred regarding the MWELA Act and the Commission’s Administrative Law Judges were asked to clarify several points of the D.C. Human Rights Act and administrative process. The Commissioners also inquired about the OHR Human Rights Liaison workshops and requested that the Commissioners be notified about upcoming trainings.

## **VI. REPORT OF CALJ**

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

- The Commission's docket currently has:
  - Sixteen (16) Commission Cases;
  - Seven (7) Office Cases;
  - One (1) CBX cases; and
  - One (1) FCRSA case.
- To date, the Commission has closed:
  - Twenty-two (22) Commission cases,
  - Eleven (11) Office cases, and
  - Six (6) CBX cases.
- The Commission has increased its closure rate 30% year over year representing the highest number of closures that the Commission has ever accomplished. Reasons for the increased speed at the Commission, including strict scheduling procedures and deadlines imposed on attorneys and the Commission's Settlement Judge Procedure, were explained.
- Commissioners Fowlkes, Maier, and Ward will be re-nominated by the Mayor for new three-year terms on the Commission. Four additional vacancies remain and additional candidates are being interviewed by MOTA for possible nomination to the Commission.
- Judge Simmons reintroduced the Commission's incoming law clerk, Daniel Gick. Mr. Gick will be a year-long law clerk through a fellowship with Georgetown where Georgetown Law and the D.C. Government will split his salary. Mr. Gick is a Phi Beta Kappa graduate of Carleton University and recent graduate of Georgetown Law, where he was a top student in Chief Judge Simmons' Employment Discrimination Class. Mr. Gick addressed the Commission and talked about his excitement to join the commission staff in October. Mr. Gick will clerk the following year at the New Jersey state trial court in Camden, New Jersey.

## **VII. OLD BUSINESS**

Judge Howard updated the Commission on the status of the Case Management System, which is now in the beta testing stage. Judge Howard requested a committee or working group to assist in the testing of the system and Chairperson Fowlkes appointed himself and Commissioners Aizawa, Maier, and Muhammad. Further discussion was held regarding testing.

Commissioner Robinson followed up on the point he raised from the previous meeting regarding encouraging the Commissioners to use public transportation by providing metro fare. Dr. Robinson indicated that he discovered that an issue regarding the elimination of paper Metro tickets has eliminated that option.

Commissioner Robinson also raised the issue of possibly providing food or water to the Commissioners at the Commission meetings. Chief Judge Simmons noted that no resolution had been reached on the point and that he would follow up on it.

## **VIII. NEW BUSINESS**

Vice Chairperson Ward reassumed responsibility to preside over the meeting and directed the Commission to the following agenda items.

Deputy Director Khaing gave a presentation on FCRSA in Housing and Fair Credit in Employment Amendment Act. The Commissioners asked numerous questions clarifying OHR's understanding of the law, the Commission's involvement, and the remedial schemes of the two acts.

Chief Judge Simmons indicated that he will send out an update regarding the Awards Gala. Judge Simmons announced the qualifications for the Neil Alexander Award and called for nominations. Nominations are due by October 15, 2017.

Chief Judge Simmons also announced changes in the Youth Human Rights Ambassador ("YHRA") program. The Street Law Clinic wants to put on an evidence showcase where the students will argue a D.C. Human Rights Act case in a less formal setting than a mock trial instead of having the creative project from years past. Judge Simmons addressed the opportunities for involvement for the Commissioners. As a result of the changes the YHRA program will no longer be connected to the Human Rights Awards Gala.

## **IX. COMMUNITY COMMENTS**

Community comments were provided by Mr. Michael Sindram. Mr. Sindram asked questions about the relation of the Fair Credit in Employment Amendment Act to creditor harassment and federal debt collection act, which Deputy Director Khaing responded to after his presentation. Mr. Sindram then laid out several complaints regarding the Office of Human Rights and announced that he filed a federal law suit against OHR.

## **X. ANNOUNCEMENTS**

The Commission was invited to Mayor Bowser's Press Conference on September 14, 2017, at noon, announcing a new initiative to reform the process for sealing criminal records.

## **XI. ADJOURNMENT**

The Commission's September 2017 public meeting adjourned at approximately 8:10 pm.