

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE  
COMMISSION ON HUMAN RIGHTS  
(TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION)  
AUSTIN, TEXAS

PUBLIC MEETING FOR THE )  
COMMISSION ON HUMAN RIGHTS )  
TEXAS WORKFORCE COMMISSION )  
CIVIL RIGHTS DIVISION )

COMMISSION MEETING  
WEDNESDAY, JUNE 16, 2010

BE IT REMEMBERED THAT at approximately  
9:08 a.m., Wednesday, the 16th day of June 2010, the  
above-entitled matter came on for hearing at the Texas  
Workforce Commission, TWC Building, 101 East 15th  
Street, Room 244, Austin, Texas, before CHAIR ANDERSON  
and the COMMISSIONERS of the Human Rights Commission,  
Texas Workforce Commission-Civil Rights Division; and  
the following proceedings were reported by Suzanne  
Zimmer, a Certified Shorthand Reporter of:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

TABLE OF CONTENTS

|                                    | PAGE |
|------------------------------------|------|
| AGENDA ITEMS NOS. 1 & 2 .....      | 3    |
| Chair Anderson                     |      |
| PUBLIC COMMENT .....               | 5    |
| Marilou Morrision and Bruce LaBoon |      |
| AGENDA ITEM NO. 3 .....            | 15   |
| Robert Gomez                       |      |
| AGENDA ITEM NOS. 4 .....           | 20   |
| Robert Gomez and Daryl Steglich    |      |
| AGENDA ITEM NO. 5 .....            | 22   |
| Tony Robertson                     |      |
| AGENDA ITEM NO. 6 .....            | 25   |
| Vickie Covington                   |      |
| AGENDA ITEM NOS. 7 & 8 .....       | 29   |
| Chair Anderson                     |      |
| REPORTER'S CERTIFICATE .....       | 33   |

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

P R O C E E D I N G S

WEDNESDAY, JUNE 16, 2010

(9:08 a.m.)

AGENDA ITEM NOS. 1 & 2

CHAIRMAN ANDERSON: I'm Tom Anderson. I'm

the Chairman. I want to welcome everyone to this session, and we have a couple of speakers.

One of our speakers is Tom Pauken, who is the Chairman of the TWC, and he has a couple of comments. So welcome, Commissioner -- Chairman.

MR. PAUKEN: Well, I promise no long speeches this morning. In fact, I gave a recent commencement address at a high school, and I asked my youngest daughter, our most recent graduate, "Any advice?" And she said, "Keep it short, dad." So I'll keep it very short this morning.

But it's good to have a chance to meet personally the Commissioners. We welcome you here at the Workforce Commission. I just want to thank for your voluntary service to our state and your willingness to serve on the Commission. This is obviously an important area and always, you know, everything in a way is a balancing act. You want to treat people properly, with dignity in the workforce area and make sure that the proper procedures are followed and the rules, and at the

1 same time, understand the importance of economic  
2 development and how we try to work together for the good  
3 of the state.

4                   And I just want to thank you for your good  
5 work and your willingness to serve because I know the  
6 pay isn't too much in the position that you have, and I  
7 know you're taking away time from your businesses and  
8 work. So thanks for service to our state, and any way  
9 we can help you with the Workforce Commission, please  
10 let us know. We obviously have a terrific career of  
11 staff here, and we're glad to be working with Robert in  
12 an administrative role, and his people, and glad you're  
13 here today and welcome you back to Austin.

14                   Thank you.

15                   MS. STIDVENT: Thank you.

16                   CHAIRMAN ANDERSON: Thank you, Chairman.  
17 On behalf of the CRD, we -- just to let you know,  
18 Chairman Pauken, we do have some very fine support from  
19 the TWC, as well as from the general counsel's office,  
20 the financial, HR, and we're very appreciative of the  
21 assistance that you provide the CRD.

22                   MR. PAUKEN: Thank you, Tom.

23                   CHAIRMAN ANDERSON: We do have a couple  
24 more pres- -- discussions and we have -- presentations  
25 or discussions must identify and address the specific

1 agenda items by number. No personalities or personnel  
2 may be mentioned or discussed in your address, and the  
3 board or administration will not respond to any at the  
4 meeting other than to obtain clarification to discussion  
5 points.

6 Marilou Morrison from Austin, Texas, and  
7 she has comments to make.

8 Ms. Morrison, you have three minutes.

9 PUBLIC COMMENT

10 MS. MORRISON: Good morning.

11 After reading the minutes from the April  
12 Commission meeting, I thought Commissioners were  
13 beginning to understand the CRD's problems. Still, not  
14 even minimally adequate steps have been taken to  
15 alleviate the financial problems or the mismanagement  
16 that created the financial problems.

17 Who is responsible for oversight of the  
18 CRD? Does TWC or the Commissioners have responsibility  
19 for management of the CRD? Who, or is anyone able to  
20 make a decision and implement the changes required?  
21 Despite the ratio of management to actual producers,  
22 only one nonproducer, the IT person, was reassigned.  
23 And the poor housing investigators could not be blamed  
24 for this.

25 Who is making the decisions? Who has

1 determined that the CRD cannot do without all those  
2 nonfunctional managers, most of whom know so little  
3 about the work that the Commission is supposed to do,  
4 that they are more hindrance than help to investigators.  
5 Did anyone read Bud Henry's report? He explained that  
6 managers were the primary problem over two years ago.  
7 If anyone doubts the voracity of this statement, please  
8 explain why. If managers are reviewing the work of  
9 investigators they supervise before cases are submitted,  
10 why are deficiencies not corrected before they're  
11 rejected and returned by HUD and the EEOC?

12                   Six-day workweeks for investigators has  
13 produced larger numbers of closed cases that they can  
14 report to Commissioners, but that only postpones a day  
15 of reckoning because so many of those will be returned  
16 for additional work before the CRD receives the payment.  
17 And the CRD will still come up short for the current  
18 fiscal year. Deadline for submitting the budget to the  
19 LBB for 2012 and 13 is fast approaching, and the CRD  
20 will receive less from the state than it has previously.

21                   The CRD will still run out of funds before  
22 the end of this fiscal year. How long can TWC lend CRD  
23 money to bail them out? I don't have to remind anyone  
24 that HUD continues to have CRD on probation due to  
25 unsatisfactory job performance. HUD has already hired

1 eight new housing investigators in Houston in  
2 anticipation of the CRD's failure to sufficiently  
3 improve.

4                   Additionally, the number of HUD cases in  
5 Texas is decreasing. A quick review of the CRD's HUD  
6 inventory and projected case closures should be  
7 revealing. Any Commissioner can understand that the  
8 projected numbers are unattainable. While I'm not a  
9 believer in conspiracy theories, I'm beginning to wonder  
10 why the agency responsible for enforcing employment and  
11 housing discrimination has been driven into the ground.  
12 I have too much respect for the intelligence of those  
13 involved to believe it's all accidental and due to the  
14 inability to understand and plan for the problems.

15                   I did note that after over seven years  
16 with zero cause cases that suddenly, there may be a  
17 little discrimination in Texas after all as evidenced by  
18 the cases listed on the agenda. This is simply -- this  
19 simply supports what I've been telling you.  
20 Discrimination is out there. The CRD is unable to find  
21 it or refuses to acknowledge it.

22                   You may not want to ask if the CR- -- you  
23 may want to ask if the CRD management has already  
24 received the news from the HUD at the recent conference.  
25 And if -- if Texas wants to keep the Feds out of their

1 business, this is no way to do it because you're bound  
2 to lose it to the Feds instead.

3 Thank you.

4 CHAIRMAN ANDERSON: As always, you have  
5 your right to your opinion.

6 The next speaker is Robert LaBoon, and  
7 he's representing Tony Petrello. Mr. LaBoon is from  
8 Austin, Texas.

9 Mr. LaBoon, if you could keep your  
10 comments within three minutes, but knowing that this is  
11 a new issue, if we have to go a little bit longer we  
12 might entertain that.

13 LaBOON: Thank you, Mr. Chairman. I  
14 really appreciate that, and my name is Bruce, and I  
15 pronounce it LaBoon, like Daniel, with a La in front of  
16 it, and I'm hear this morning representing Tony  
17 Petrello. Mr. Petrello is right back there at the back  
18 of the room. He just raised his hand.

19 We appreciate this time on your agenda.  
20 I'm here to urgently ask the members of the Commission  
21 to recommend to the Attorney General's Office, here in  
22 Texas, that they intervene in a Fair Housing Act case  
23 that's pending in Federal District Court in Houston,  
24 Texas.

25 I've asked the clerk to please pass out

1 some testimony that has been presented in that case,  
2 which you can read at your leisure. I will go over it  
3 with you in my remarks.

4           The litigation that's pending was filed by  
5 Mr. Petrello and involves his severely disabled  
6 twelve-year-old daughter. We're asking the Commission  
7 to take this action and requesting the Attorney General  
8 to intervene because of the egregious violations of  
9 the -- of not only of the Texas Fair Housing Act, but  
10 basic human dignity that occurred in this situation.  
11 And clearly this is a matter of general public  
12 importance. That's the statutory threshold for  
13 determining whether the Attorney General should  
14 intervene in the matter.

15           We've discussed this matter at length with  
16 your general counsel and your legal staff and presented  
17 them with lots of documents and backup for what I am  
18 saying here this morning. So I refer you to them if you  
19 have any further questions.

20           Although the issues presented in this case  
21 are very, very important to the State of Texas, they're  
22 really -- the facts are really quite simple. Mr. and  
23 Mrs. Petrello have a severely disabled child. They told  
24 the family in Houston that lived next door to them, that  
25 if they ever sold their house, the family next door, the

1 Petrellos, would like to buy that house, and they would  
2 like it for their daughter, Corina (phonetic) because  
3 they felt as she became an adult, and because she has  
4 caregivers that visit her daily, that it would be a good  
5 place for her to live while the Petrellos are -- they're  
6 older people, and they have -- to have their daughter  
7 close to them would be a very valuable thing. But to  
8 have her -- when she became an adult, have her own house  
9 was very, very important to her and to them.

10                   A couple of years ago, the neighbors  
11 decided they would sell their house and they put it on  
12 the market. Mr. Petrello went to them immediately when  
13 he heard it was on the market and offered to buy it for  
14 cash. At that time, the neighbors asked Mr. Petrello  
15 what they were -- what he intended to do with the house,  
16 and he told them that he intended to have his daughter  
17 move in there at some point. He was going to retrofit  
18 the house first for her disabilities; an elevator, some  
19 special other facilities for her.

20                   The neighbors, at that point, decided to  
21 hire a real estate agent and put the property on the  
22 market; they did. And suffice it to say that all  
23 parties have agreed under oath that Mr. Petrello made  
24 the financially superior offer for the house, but that  
25 offer was declined and the house was sold to a third

1 party without further notice to the Petrellos. This was  
2 devastating to them and their daughter. And therefore,  
3 they were basically left in a position where they had to  
4 file a lawsuit to try to stop the sale.

5           He became very suspicious, at that point,  
6 that there was something improper going on. And so he  
7 filed a case, and I asked for depositions to be taken;  
8 they did. This house went ahead and was sold to the  
9 third party, but an interesting thing happened. When  
10 the house was sold to the third party, they entered into  
11 an agreement in the closing documents that if the sale  
12 were ever held to be illegal, that the sale would be  
13 reversed and that the buyer would give it back to the  
14 seller and get a refund of his money. They obviously  
15 realized it was an improper motive here.

16           Now the litigation is pending in court,  
17 and we're here today to ask the Commissioners to prevent  
18 this scheme from succeeding and for the Commission to  
19 send a message to the public that fair housing means  
20 fair housing in Texas when it comes to disabled people.

21           How do we know that this discrimination  
22 was their intent? I have passed out to you testimony  
23 from the seller of the house in which he admits under  
24 oath that he did not wish to sell the house to the  
25 Petrellos because their daughter was disabled, and the

1 house would have to be retrofitted to adjust to her  
2 disabilities and that that would hurt the architectural  
3 integrity in the house.

4 I'll be wrapping up in just a minute,  
5 Mr. Chairman, and thank you for reminding me.

6 They clearly state in their testimony that  
7 they would prefer that a normal family, married family  
8 with two children and so forth, be involved in the  
9 purchase of the house, and not a disabled girl, single,  
10 that would have to retrofit the house. This testimony  
11 is not contradicted in any of the testimony that has  
12 been presented in this case.

13 It is clear, I submit to you, that this is  
14 a violation of the spirit, the intent and the letter of  
15 the Texas Fair Housing Act, and that this Commission  
16 should send a message to the people of the State of  
17 Texas that fair housing means fair housing for the  
18 disabled and for the people who live as single people,  
19 rather than being married and the traditional family.

20 Thank you for your time. I'll be happy to  
21 answer any questions, and Mr. Petrello would be happy to  
22 answer any questions.

23 CHAIRMAN ANDERSON: Thank you,  
24 Mr. LaBoon -- Boon -- got it right that time.

25 LaBOON: You did.

1                   CHAIRMAN ANDERSON: Okay.

2                   LaBOON: Thank you.

3                   CHAIRMAN ANDERSON: Mr. Jones, is this  
4 properly before the Commission at this time? I see it's  
5 on the agenda for the Executive Session.

6                   MR. JONES: For the record, Paul Jones,  
7 General Counsel. Chair Anderson, Commissioners, at the  
8 time -- as we speak right now, a complaint is being  
9 processed right now. So as to answer your question  
10 specifically, right now it's not before the Commission,  
11 but I assure you probably by the end of this meeting,  
12 the complaint will be officially filed by that time. So  
13 we do . . .

14                  CHAIRMAN ANDERSON: All right. I think if  
15 the rest of the Commissioners agree that we -- it  
16 properly proper for us to go into Executive Session at  
17 this time as opposed to our normal agenda. Okay.

18                  Thank you, Mr. LaBoon.

19                  LaBOON: Thank you.

20                  CHAIRMAN ANDERSON: We're now going into  
21 Executive Session pursuant to Government Code Section  
22 551.0074(a)(1) to discuss the appointment, employment  
23 evaluation, reassignment, duties, accomplishments,  
24 performance, goals, and responsibilities of the Texas  
25 Workforce Commission Civil Rights Division Director.

1                   Additionally, we are going -- now going  
2 into Executive Session pursuant to Government Code  
3 Section 551.071(1) and (2) concerning contemplated  
4 litigation or pending litigation of the following  
5 commission -- cases: Texas Commission on Human Rights  
6 et al. versus Marilou Morrison; John Benavides, et al.  
7 versus Texas Commission on Human Rights; Border Fair  
8 Housing Center versus Cliff Terrace Apartments; Texas  
9 Workforce Commission - Civil Rights Division versus  
10 Spiros Tsokos; Texas Workforce Commission - Civil Rights  
11 Division versus Raymond Henshaw and Mark Henshaw; and  
12 Anthony G. Petrello versus Matthew W. Prucka, Sheryl S.  
13 Prucka, Peggy McGee, and Heritage Texas Properties,  
14 L.P., Defendants and Rahul Nath and Usha Nath,  
15 Defendants and Intervenors.

16                   Agenda 10c, where the Commissioners seek  
17 the advice of their attorney as privileged  
18 communications under the disciplinary rules of  
19 professional conduct of the State Bar of Texas.

20                   And we are now going in Executive Session.  
21 It's 9:25 a.m.

22                   (Executive Session: 9:25 a.m. to 11:32  
23 a.m.)

24                   CHAIRMAN ANDERSON: And the Commission on  
25 Human Rights, June 16th, 2010 meeting is back in open

1 court -- open session. Executive Session closed at --  
2 on June 16th, 2010 at 11:27, and we're back on the  
3 record.

4 And, Robert, if you would -- we'll go  
5 through the agenda and we would also like for you to  
6 focus just on the, you know, highs and lows, keep it  
7 pretty focused and to the point.

8 If the Commissioners have any questions, I  
9 think that would be more appropriate than, you know,  
10 going through line by line all the items.

11 MR. GOMEZ: Okay. Yes, sir.

12 CHAIRMAN ANDERSON: Go ahead.

13 AGENDA ITEM NO. 3

14 MR. GOMEZ: Good morning. For the record,  
15 Rober Gomez, Director for the Civil Rights Division.  
16 Good morning, Chair and Commissioners.

17 You did receive the packet with the  
18 outline, as you stated, of my highlights since  
19 April 21st, 2010. I will highlight the ones that I  
20 think need additional information on there, unless you  
21 have any other questions on any other points or items on  
22 the list.

23 I would like to point out that on  
24 May 11th, 2010 we did have a meeting attended by  
25 Commissioner Daves, Gene Crump, Daryl from budget, Jim

1 from budget and CRD management to discuss the budget, to  
2 look at the -- where we were projected, to look at what  
3 we had accomplished, and it was -- we did accomplish  
4 quite a bit in discussing the budget, and unless  
5 Commissioner Diggs has any other comments about that  
6 meeting -- it was very fruitful. We did accomplish what  
7 we wanted to accomplish. We looked at the budget, saw  
8 where we were at, and saw where we were going in a  
9 projected manner. So it was very productive.

10 Another highlight is on the listing that  
11 you have there regarding additional revenue for the  
12 division. We did sit down with the grants manager, Dede  
13 Web, CRD manager, sat down with the grants person or  
14 support, and we discussed and decided not to pursue the  
15 Department of Justice grant, simply being that based on  
16 the information that we've gotten, and the feedback that  
17 we've gotten is, we have two unwritten or hidden you  
18 might call hurdles that, in us, concentrated on the  
19 budget, concentrated on housing closures, would not  
20 allow us the opportunity to go after those grants simply  
21 because one of the hurdles is that they prefer to go  
22 with the previous recipients.

23 Another hurdle was that -- unwritten that  
24 they prefer not to have two entities from one state to  
25 receive that grant, and we followed those two because we

1 did receive information from the Department of Justice  
2 that there was already an entity that year after year  
3 did get the grant in the State of Texas. So in order to  
4 focus on case closures on the budget, we diverted that  
5 resource of our outreach coordinator and housing  
6 investigator to work on cases and closed cases for the  
7 division.

8 CHAIRMAN ANDERSON: Robert, let me  
9 interject just real quickly because Paul Jones and  
10 Mr. LaBoon have returned.

11 We -- the Commissioners took no action on  
12 any of the items in the closed session, and we  
13 appreciate you coming in and presenting information, and  
14 we'll be glad to look at this in greater detail when the  
15 time might be appropriate.

16 Robert, go ahead.

17 LaBOON: Thank you very much,  
18 Mr. Chairman.

19 CHAIRMAN ANDERSON: Thank you for coming  
20 in, sir.

21 MR. GOMEZ: Yes, sir. The last item I  
22 want to embellish on, or give you additional information  
23 is the same to the last item, attending the EEOC FEPA  
24 conference last week. There were two points that we're  
25 going to look into, as far as employment addressing the

1 criminal record discrimination, because we do get quite  
2 a number of inquiries coming into the office on  
3 discrimination based on the criminal record. We're  
4 going to look at that a little bit more closely and kind  
5 of adopt what the EEOC has adopted. And, of course,  
6 we're going to work with our legal support on that  
7 before we put anything in place with our employment  
8 enforcement section.

9                   And the other one, again, in the  
10 employment enforcement section is the possible addition  
11 of the Feds to add the gay, lesbian, bisexual and  
12 transsexual as a protected group, and this will impact  
13 us, as far as the State of Texas, meeting substantially  
14 equivalent and on contract with EEOC. So we're going to  
15 look at that, get additional information.

16                   In fact, this afternoon, two o'clock, we  
17 have a conference call with the Director of EEOC,  
18 Mr. Mike Fetzner, and also the program manager -- the  
19 FEPA program manager, this afternoon, to discuss these  
20 two issues, and also to discuss high profile cases that  
21 we see as high profile cases in working jointly with  
22 EEOC investigators -- or our TWC CRD investigators  
23 working jointly with EEOC investigators, as this is  
24 being done by other state FEPA's, in the state of  
25 Pennsylvania, Denver and, I believe, New York, on high

1 profile cases, or the cases that we see high profile.

2 So we're going to discuss that this afternoon also.

3 And that concludes my presentation off the  
4 items that I have submitted in your packet. Again, if  
5 you have any questions on any of the other items, I will  
6 be happy to answer or address.

7 CHAIRMAN ANDERSON: You had one special  
8 announcement. Did you want to do that now, or do you  
9 want to do it --

10 MR. GOMEZ: Oh sure.

11 CHAIRMAN ANDERSON: -- at a later time?

12 MR. GOMEZ: Well, I'll do it right now.  
13 Before I bring up Daryl, I do want to make a service  
14 recognition award presentation to one of my managers,  
15 Vickie Covington. And basically, the service  
16 recognition award says, "Texas Workforce Commission  
17 wishes to recognize the ten years of time, thought and  
18 energy contributed by Vickie Covington. Our sincere  
19 appreciation for your dedicated service to the people of  
20 Texas." This is May 1st, 2010.

21 (Applause)

22 MS. COVINGTON: Thank you.

23 CHAIRMAN ANDERSON: I had the opportunity  
24 to work with Ms. Covington since I became a  
25 Commissioner, and she is truly a joy to work with, very

1 pleasant and very professional.

2 MR. GOMEZ: And at this point in time, I  
3 would like to introduce Daryl Steglich from our budget  
4 support, and he will provide you with the updated  
5 information since our last meeting.

6 AGENDA ITEM NO. 4

7 MR. STEGLICH: Good morning, Chair  
8 Anderson, Commissioners. For the record, my name is  
9 Daryl Steglich, Texas Workforce Commission Finance  
10 Department.

11 CHAIRMAN ANDERSON: Go ahead, get your  
12 mic on.

13 MR. STEGLICH: Oh sorry.

14 We've got two slides for you today. The  
15 first slide is a slide on the case loads and the case  
16 closures. Through the end of the third quarter, there's  
17 796 cases that the EEO -- cases closed. The budget  
18 through this time of the year should be around 792. So  
19 we're on track as far as that's concerned. For the  
20 housing cases, we're below where we should be. We  
21 should be around 315; we're at 253. We would like to  
22 point out that there were 38 cases closed in April, and  
23 42 cases closed in May associated with the HUD numbers.  
24 And I'll go on to the next slide.

25 The next slide -- the next slide is a



1 the projections for the revenue -- I should have  
2 clarified -- we included the May closures.

3 CHAIRMAN ANDERSON: Okay.

4 MR. STEGLICH: When we did the projections  
5 for the expenditures, the last closed month that we had  
6 was April, so we projected off of April monthly totals.  
7 I don't expect that number to change a significant  
8 amount.

9 CHAIRMAN ANDERSON: Any Commissioners have  
10 any questions about finances?

11 (No response)

12 CHAIRMAN ANDERSON: Seeing none, thank you  
13 Daryl.

14 MR. STEGLICH: Thank you very much.

15 MR. GOMEZ: Okay. If there's no more  
16 questions for myself or Daryl, then the next to present  
17 is Tony Robertson, Manager for Employment Enforcement.

18 AGENDA ITEM NO. 5

19 MR. ROBERTSON: Good morning,  
20 Commissioners, Chair. For the record, Tony Robertson,  
21 Manager Team II, Employment Enforcement.

22 If you-all just take a few minutes and go  
23 through those six, seven pages that deal with me, I will  
24 be more than glad to answer any questions. Otherwise,  
25 it's business as usual. There's nothing that I need to

1 point out that my staff is doing any differently. We're  
2 rocking 'n' rolling, business as usual. So I'll just  
3 take a moment, let you-all look through it and answer  
4 any questions you-all may have.

5 CHAIRMAN ANDERSON: I guess the main  
6 question I have is just the age of the cases that you're  
7 working down -- the aged cases, and also the total  
8 number. Are we on track to close what our contract  
9 indicates for EEOC?

10 MR. GOMEZ: Currently up to date --  
11 currently up to date, we have 16 cases that are over 300  
12 days. We are addressing those with -- basically the  
13 majority are under one particular investigator. We are  
14 addressing that as a performance issue. Also, we have  
15 contacted -- again, in having gone to Philadelphia --  
16 Tony did a company out there in Philadelphia through the  
17 FEPA conference. We did have an opportunity to meet  
18 with the regional director, and, of course, the FEPA  
19 program coordinator, who happens to be in our office  
20 today for that meeting.

21 And we did, again, you know, put in their  
22 ear that we're looking for an upward modification  
23 because we're on track to exceed the numbers that have  
24 been given to us, as far as the contract target for a  
25 number of closures. So we did, again, request the

1 opportunity to be considered for an upward modification  
2 on our contract. So we're working on that with both,  
3 like I said, the FEPA coordinator and the regional  
4 director.

5 CHAIRMAN ANDERSON: Any questions or  
6 comments concerning the employment cases?

7 (No response)

8 CHAIRMAN ANDERSON: Does this include ADR?

9 MR. ROBERTSON: No, sir, it does not.

10 CHAIRMAN ANDERSON: Okay.

11 MR. ROBERTSON: Excuse me, Commissioner,  
12 when you said, "ADR," the closures, are you looking at  
13 the closures or the aged cases?

14 CHAIRMAN ANDERSON: I was just wondering  
15 if you're going to discuss -- the personnel policies,  
16 are they on track?

17 MR. ROBERTSON: Oh yes, sir; yes, sir.

18 CHAIRMAN ANDERSON: Okay.

19 MR. ROBERTSON: Trainings, all of that,  
20 but when you asked, did it include ADR, were you talking  
21 about the case closures?

22 CHAIRMAN ANDERSON: Right.

23 MR. ROBERTSON: If so, yes, sir. They're  
24 all inclusive with that. All right. If there's no  
25 other questions, I'll be followed by Vickie Covington.

1                   MR. GOMEZ: Just to clarify from ADR, the  
2 number of cases that are closed -- that are closed by  
3 the ADR staff, our mediators do -- are reflected in  
4 employment because they are employment. The report is  
5 under Vickie because we do have to keep that firewall  
6 between employment enforcement and the ADR.

7                   CHAIRMAN ANDERSON: All right.

8                                 AGENDA ITEM NO. 6

9                   MS. COVINGTON: Good morning,  
10 Commissioners. For the record, my name is Vickie  
11 Covington, Housing Enforcement Manager.

12                                 I just wanted to point out on the ADR  
13 report, we received more than 200,000 in individual  
14 relief for 34 people, and six people received  
15 nonmonetary relief. And just a couple of examples of  
16 nonmonetary relief, one person got their job back, and  
17 one person was allowed to retire and get their  
18 retirement benefits.

19                   CHAIRMAN ANDERSON: One of the things that  
20 we had sometime ago, and we haven't had in a while, and  
21 I don't know if any of the Commissioners are still  
22 interested in having it, and that was some samples, some  
23 examples, kind of a couple of paragraph description of  
24 some of the cases, maybe a couple -- maybe two cases on  
25 housing, two employment. We haven't done that in a

1 while.

2                   Would any of the Commissioners be  
3 interested in that?

4                   MS. DIGGS: Absolutely.

5                   CHAIRMAN ANDERSON: Why don't we go back  
6 to doing that and include it in the packet.

7                   MS. COVINGTON: We'll do that.

8                   CHAIRMAN ANDERSON: Redact any names that  
9 are not --

10                  MR. GOMEZ: Yes, sir. We can give you  
11 like a case summary, two in employment and two in  
12 housing --

13                  CHAIRMAN ANDERSON: Right.

14                  MR. GOMEZ: -- two ADR cases. That would  
15 be really good to do.

16                  CHAIRMAN ANDERSON: A couple of housing, a  
17 couple of employment, maybe an ADR mediation.

18                  MR. GOMEZ: Yes, sir, we can do that.

19                  MS. COVINGTON: I would also like to point  
20 out on the housing type of case closures, last year at  
21 this time, our conciliation and withdrawal, what the  
22 settlement rate was, 41 percent compared to today's at  
23 almost 53 percent. What that means is that more than  
24 half of our cases actually resolved with a favorable  
25 resolution to the complainant, and we contribute that to

1 our staff being more experienced, and they're really  
2 getting to understand what the prima facia elements are  
3 of the fair housing cases so they can articulate the  
4 preliminary findings to the respondent, and usually  
5 those cases will go ahead and conciliate.

6           We do have a couple of cases that we're  
7 currently preparing to send over to RID that are  
8 potential cause cases that we believe where the  
9 respondent and the complainant have not been able to  
10 come to an agreement on how to resolve those cases.

11           I would also like to point out on the age  
12 of pending cases, last year at this time, we had 64  
13 cases that were over a hundred days, compared to 30 at  
14 the end of the third quarter. So we cut it over -- we  
15 cut it by a little bit more than 50 percent. And right  
16 now, we're closely monitoring those cases that are 100  
17 days or over. We're required to close at least half of  
18 our cases that we received during the fiscal year under  
19 a hundred days, and we're almost at that target.

20           CHAIRMAN ANDERSON: I think, Robert, what  
21 we discussed earlier, that's the type of information  
22 that we would want to see, and then, you know, we're  
23 doing this really well. What we need to do is to keep  
24 on doing that and keep that at that same level or even  
25 improve it. So I think that's something that the

1 Commission -- or Commissioner James specifically was  
2 pointing towards.

3 He's nodding.

4 MR. GOMEZ: Yes, sir.

5 MS. COVINGTON: I would also like to let  
6 you know that our other team lead, he could not be here  
7 today. He finished his certification at the National  
8 Fair Housing Training Academy last month. So next  
9 month, he'll get to get his presenta- -- not next month,  
10 next quarter, he'll get his presentation here.

11 We'll also be attending HUD's biannual  
12 conference July 19 through 23. It's going to be held in  
13 New Orleans, and I think the director told us that we  
14 were going to get an opportunity to go out and clean  
15 some birds. So I do know that they have a couple of  
16 tours scheduled.

17 And I hope that you're still receiving the  
18 "Did You Know." We're still sending that out to let the  
19 Commissioners and other fair housing stakeholders and,  
20 as well as people employment opportunities, they code as  
21 some of the latest federal employment and housing  
22 discrimination court cases.

23 And that's all I have. Are there any  
24 questions?

25 (No response)

1 MS. COVINGTON: Thank you.

2 MR. GOMEZ: One last note, Chair Anderson,  
3 before I guess turn it back to you is that, we are  
4 waiting for the budget numbers to send out the  
5 performance report -- performance measures report, and  
6 we're just waiting for the budget numbers so I can send  
7 out the cost per case and send you the report for  
8 May 2010.

9 CHAIRMAN ANDERSON: Okay. Thank you.

10 Any Commissioners have anything else they  
11 want to bring up or discuss?

12 I do have a couple items and we need to  
13 discuss it so it's on the record so Becky knows they're  
14 action items.

15 AGENDA ITEM NOS. 7 & 8

16 We are looking to modify the agenda, maybe  
17 modify is not the correct word. So I guess change it  
18 significantly. We're looking to incorporate workshops  
19 either in the meetings, or as separate meetings during  
20 our quarterly -- or quarterly meetings.

21 We're looking at a three- to five-year  
22 strategic plan that we're looking for the CRD to put  
23 together. We're looking for the examples of the  
24 different cases; we just discussed that.

25 And we also need to think, in our October

1 meeting, when the 2011 meetings will take place;  
2 probably on the same schedule. If anybody wants to have  
3 something different, that would be the time to bring it  
4 up.

5                   The action items from last time are the  
6 Civil Rights Division needs to schedule and invite  
7 Commissioners that are in the Austin area, the budget  
8 meetings. Commissioner Diggs should be notified. As  
9 she indicated, she would attend the budget discussions,  
10 if her schedule permitted it, meetings held on  
11 May 11th -- Commissioner -- 2010. Commissioner Diggs  
12 did attend.

13                   Commissioner Stidvent and Commissioner  
14 Diggs will -- should be notified, Becky, of the future  
15 budget meetings, and they'll work out their schedule  
16 between the two of them.

17                   Civil Rights Division needs to come up  
18 with solutions to budget financial issues to present  
19 them to Commissioners. Commissioners will review the  
20 solutions and plans for 2010 and 2011. You are  
21 continuing to discuss these issues with Mr. Crump and  
22 the budget staff on an ongoing basis. And obviously,  
23 one of the Commissioners will be -- from the Austin area  
24 will be attending the meetings.

25                   Employment unit investigators need to

1 continue to meet their numbers, and they apparently are.  
2 And housing unit investigators need to have increased  
3 monthly closures, and they're currently set at 35. And  
4 the first two months, they were exceeded. We're looking  
5 for the same in June.

6 Civil Rights Division needs to review the  
7 ratio of revenue and nonproducing -- and  
8 nonrevenue-producing employees, and there was a  
9 breakdown submitted by Becky, and the total is eight  
10 nonrevenue producing, five partial revenue producing, 20  
11 revenue producing.

12 The five partial are the leads and the  
13 managers. Is that correct?

14 MR. GOMEZ: (Nodding.)

15 CHAIRMAN ANDERSON: Okay. Discussion was  
16 held concerning funds received from housing  
17 conciliation.

18 Did not -- Diane, we didn't discuss with  
19 Mr. Jones that the Austin General Counsel revisit the  
20 issue, if written guidance on the issue is obtained from  
21 HUD.

22 Has that been submitted to HUD? I mean,  
23 has that information that we received from HUD, has it  
24 been submitted to the general counsel's office?

25 MR. GOMEZ: We have contacted HUD. We

1 have asked for a response on that. We do have a  
2 response tentatively from Gary. He is going to send us  
3 something in writing so we can present it to OAGC, so  
4 that's where that issue is.

5 CHAIRMAN ANDERSON: Okay. Great. I would  
6 like to have a -- if we can get a report emailed to us  
7 before the October meeting that would be great, just  
8 send it to all the Commissioners.

9 MR. GOMEZ: Yes, sir. What I'll do is,  
10 when I get the written response from HUD, I will put it  
11 in a presentation format. When I send it to OAGC, then  
12 I'll copy you-all on it.

13 CHAIRMAN ANDERSON: Okay. And, Becky, did  
14 you have a chance to get the action items for next time  
15 down?

16 MS. SMITH: (Nodding.)

17 CHAIRMAN ANDERSON: Okay. Is there  
18 anything else that any of the Commissioners have for  
19 this June 16, 2010 meeting?

20 (No response)

21 CHAIRMAN ANDERSON: Seeing none, without  
22 objection this meeting is adjourned.

23 (Proceedings adjourned at 11:56 a.m.)

24

25

