

COMMISSION MEETING MINUTES

October 14, 2008

The meeting of the Maryland Commission on Human Relations was called to order on Tuesday, October 14, 2008 at 10:05 a.m., in Baltimore, Maryland.

PRESENT Norman Gelman, JoAnn Fisher, Sambhu Banik, Doris Cowl and Joyce De Laurentis.

Approval of the Minutes The minutes of the September meeting were accepted with the following change: page 2, paragraph 7, line 3 the word "October 31" should be September 30.

CHAIRPERSON'S REPORT Commissioners received copies of the Chairperson's Report (See attached). The Chairperson informed Commissioners that he emailed the request for funds to support the Interfaith dialogue initiative to the Governor's representative. Chairperson Gelman has not yet heard anything back.

Correspondence Chairperson Gelman informed Commissioners that he received another letter from a gentleman who represents his mother. The case was resolved with a No Probable Cause Finding and a request for reconsideration was filed with the agency. Reconsideration was denied. The gentleman was not satisfied with the outcome of the case. Chairperson Gelman explained that Commissioners receive reports from the investigative units but do not get into any details of any complaints filed with the agency. The gentleman has also sent in several Freedom of Information requests, which ask for confidential information that cannot be disclosed. In the last letter the gentleman complained that the Commission's investigator had violated his mother's civil rights. Chairperson Gelman responded that the gentleman had not provided any evidence to substantiate his claim, which bears no weight and the gentleman could take his case to court.

EXECUTIVE DIRECTOR'S REPORT Commissioners received copies of the Executive Director's Report (See attached).

Commissioner Training The new date for the Commissioner training is Friday, November 14, 2008 at the Gateway Center in Columbia, Maryland from 9 a.m. to 4 p.m. Lunch will be served. Other information related to the training will be forthcoming. Topics for the training will include, but not limited to, Discrimination 101, Mediation & Conflict Resolution.

Commissioner Cowl asked for an explanation of what constitutes a hate crime. The Executive Director informed Commissioners that there are hate crimes and hate incidents. A hate incident is something that happens involving a protected class, race, sexual orientation, sex, disability, which does not rise to the level of a crime. A hate crime is a crime that is also another statutory crime, i.e. assault or assault and battery, but the primary motivation for the crime is race, sex, and sexual orientation. Defacing a place of worship and malicious destruction of property can be considered a hate crime. Chairperson Gelman stated that when hate crime legislation is considered by any legislative body there is always the school of thought that says there should not be separate hate crime legislation because a crime is a crime. This is the view of some prosecutors and also police so they did not pursue the hate aspect of the situation because it is easier to prove the crime than it is to prove the hate.

The Deputy Director informed Commissioners that during last month's meeting Commissioner Owen inquired as to whether MCHR could get hate crime statistics that are published in the Annual Report on a more frequent basis. MCHR cannot get this information because the individual Police Departments do not provide that information in more than an Annual Report.

Executive Session Commission staff and Commissioners entered into Executive Session to discuss a personnel matter.

**DEPUTY
DIRECTOR'S
REPORT**

Commissioners received copies of the Deputy Director's Report (See attached).

Case Processing
Report
EEOC Contract

The Deputy Director informed Commissioners that the number of closures transferred out for the month of September is low because MCHR had completed the work for the EEOC contract and could not close out cases in addition to the number that was contracted for because MCHR would not get paid for them. As of October 1 there were a significant number of closures.

**ASSISTANT
DIRECTOR'S
REPORT**

Commissioners received copies of the Assistant Director's Report (See attached). The Assistant Director introduced the new Information Technology Manager, Deshaun Steele. Chairperson Gelman welcomed Mr. Steele on behalf of all Commissioners.

2009 Budget

The Assistant Director informed Commissioners that MCHR will experience a \$150,000 cut to this year's budget. Prior to this fiscal year MCHR experienced a \$30,000 cut to the budget. This will be an extremely challenging year.

2010 Budget

The Assistant Director informed Commissioners that agencies normally start out the budget year with the previous year's appropriation and try to defend that. However, the 2010 budget target was \$90,000 less than MCHR ended up with in the 2008 budget.

Vacant Pins

Commissioner Cowl inquired as to whether MCHR has any vacant PINs. The Assistant Director stated that MCHR currently does not have any vacant PINs. The three new investigators introduced to Commissioners last month are occupying three of the vacant PINs. The new Information Technology Director is occupying another

vacant PIN.

The Assistant Director stated that although an agency may have vacant PINs, the Governor's office may not allow the agency to fill the PINs. All vacancies, if they are funded by general funds, must go through a process whereby the budget office has to give the agency permission to fill PINs.

**GENERAL
COUNSEL'S
REPORT**

Commissioners received the General Counsel's Report (See attached). In the absence of the General Counsel, Chairperson Gelman briefly reviewed the General Counsel's Report.

The Executive Director informed Commissioners that the General Counsel has reported previously regarding the ongoing task of the re-codification of Article 49B into the State Government Code.

Legislation

Chairperson Gelman inquired as to whether there are any other upcoming legislative proposals. The Executive Director stated that there are no other legislative proposals that MCHR is officially aware of but that there may be some privately sponsored bills this year covering some of the same topics as last year.

Chairperson Gelman also inquired as to whether there have been any discussions with the Governor's office regarding issues that they may be interested in. The Executive Director informed Commissioners that there have been no discussions with the Governor's office.

**OLD BUSINESS
Appeal Case**

Commissioner Cowl inquired as to whether the follow-up Appeal Hearing has been held. Chairperson Gelman stated that the hearing has been held, and Commissioner Wright is in the process of writing the decision.

**NEW BUSINESS
New Date for
November
Commission
Meeting**

The second Tuesday in November is a State Holiday; therefore, the monthly meeting has to be held on another date. The new date for the November meeting has been tentatively set for Tuesday, November 18, 2008. The Commissioner's Assistant will poll Commissioners to determine who will be available and if Commissioners cannot make it that day try to come up with another date for the meeting.

The Commission meeting was adjourned at 11:15 a.m.

Barbara Wilson