

# State of Maryland Commission on Civil Rights



## 2014 ANNUAL REPORT to the Governor & General Assembly of Maryland January 1, 2015

Martin O'Malley  
Governor

Anthony G. Brown  
Lieutenant Governor

Alvin O. Gillard  
Executive Director

Shawn M. Wright, Esq.  
Commission Chair





# State of Maryland Commission on Civil Rights



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January 1, 2015

The Honorable Martin O'Malley  
Governor, State of Maryland  
State House, 100 State Circle  
Annapolis, Maryland 21401

The Honorable Thomas V. Mike Miller, Jr.  
President, Maryland State Senate  
State House H-107, 100 State Circle  
Annapolis, Maryland 21401

The Honorable Michael E. Busch  
Speaker, Maryland House of Delegates  
State House H-101, 100 State Circle  
Annapolis, Maryland 21401

Dear Governor O'Malley, President Miller, and Speaker Busch:

In accordance with §20-207(c) of the State Government Article, Annotated Code of Maryland, we hereby submit to you the Annual Report of the State of Maryland Commission on Civil Rights (The "Commission") for Fiscal Year 2014. We are pleased to report that the Commission continues to perform its duties in spite of the fiscal realities we all face. The Commission is grateful to Governor Martin O'Malley, the Department of Budget & Management, the Maryland State Senate, and the Maryland House of Delegates for their assistance and continued support of our mission.

Over the past year, the Commission has met many challenges, including the retirement of several tenured staff members and the Executive Director. Today, despite these challenges, the Commission is stronger than ever. We commend the staff for their incredible professional progress over the prior year. Thanks in large part to grant funding opportunities, MCCR staff new and old took advantage of rigorous training and professional development opportunities. This has made our team stronger, our services better, and our Commission more efficient, all while improving the quality of our work. As a result, the Commission remains a model of efficiency to other agencies in our field of work.

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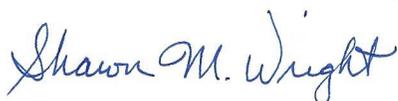
In order to keep our focus trained on moving the Commission forward, the Commissioners and the staff of the Maryland Commission on Civil Rights authored and ratified a 5-Year Strategic Plan, which is available for download on our website. As civil rights issues continue to dominate the media, and as we continue to challenge ourselves to become better enforcers of Maryland's anti-discrimination laws, the Commission is consistently reminded of the values and goals of our Strategic Plan, and work towards incorporating these concepts into every discussion. Even in the few months since the Strategic Plan has been ratified, Commissioner and staff feedback indicate that having this Plan as a guide is an important tool and resource as we continue to pursue our vision of making Maryland a state that is free from any trace of unlawful discrimination.

Last December, the Commission reconstituted its Education and Outreach Unit which for years consisted of an individual staff member whose sole task was to conduct trainings and staff outreach opportunities around the State. By re-designating a team member as the Director of the Education & Outreach Unit, the Commission increased its capacity to connect with communities without adding costs to the agency or infringing on the productivity of another Unit. In this short time, the Commission has achieved great results. For instance, last April, which is "Fair Housing Month, the Commission partnered with the University of Maryland Francis King Carey School of Law, the U.S. Department of Housing & Urban Development, and the Maryland Department of Housing & Community Development to host its first-ever Fair Housing Symposium. With more than 100 professionals in attendance from across the State, the event demonstrated that there is a desire by many to discuss and understand better the civil rights challenges we face every day in housing specifically, and all areas generally. Furthermore, the Commission has a new partnership with Salisbury University where, together, we conduct "Safe Spaces" trainings for government agencies and businesses. Through these workshops, participants develop an understanding of the experiences of the LGBTQI community; identify sources of unwelcoming behaviors; learn LGBTQI-inclusive terminology; learn to dispel negative stereotypes; develop strategies to create more welcoming environments; and formulate effective responses to many of the issues and scenarios that the LGBTQI community experiences in the workplace, school or community. These are just two examples of our successes thus far.

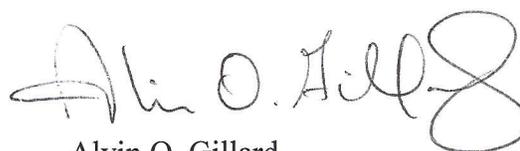
As an agency, our primary purpose is to investigate allegations of unlawful discrimination and to enforce Maryland's anti-discrimination law. However, the Commissioners and staff believe that Maryland is best served by the Commission if we embrace the importance of building bridges across our great State, and especially into underserved communities. By bringing a diverse array of communities together, we can promote respect and acceptance among all Marylanders.

Thank you again for your continued support, as well as your leadership and service to Maryland. We at the State of Maryland Commission on Civil Rights appreciate the priority and commitment you all place on the advancement of civil rights in our great State.

Respectfully submitted,



Shawn M. Wright  
Commission Chair



Alvin O. Gillard  
Executive Director

# Mission & Vision

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*It* is the **mission** of the Maryland Commission on Civil Rights to ensure opportunity for all through the enforcement of Maryland's laws against discrimination in employment, housing, public accommodations, and state contracts; to provide educational outreach services related to provisions of this law; and to promote and improve civil rights in Maryland.

## **Our vision**

is to have a state that is free from any trace of unlawful discrimination.

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# The Commission

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The Maryland Commission on Civil Rights (MCCR) represents the interest of the State to ensure equal opportunity for all through enforcement of Title 20 of the State Government Article (formerly Article 49B) and Title 19 of the State Finance & Procurement Article (the State's Commercial Non-Discrimination Policy), Annotated Code of Maryland. MCCR investigates complaints of discrimination in employment, housing, public accommodations and state contracts from members of protected classes that are covered under those laws.

MCCR is governed by a nine-member Commission appointed by the Governor and confirmed by the Maryland State Senate. Commission members are appointed to serve six-year terms. The Commission meets once a month to set policy and review programmatic initiatives. There are currently nine serving members. Those members are:

1. Shawn M. Wright, Esq., Chairperson (*Prince George's County*)
2. Robert L. Baum, Esq., Vice Chairperson (*Montgomery County*)
3. Laura M. Esquivel (*Montgomery County*)
4. Norman I. Gelman (*Montgomery County*)
5. Rabbi Binyamin Marwick (*Baltimore County*)
6. Gina McKnight-Smith, Pharma.D., MBA (*Baltimore County*)
7. Gary Norman, Esq. (*Baltimore City*)
8. Naima Said, Esq. (*Howard County*)
9. DeWayne Wickham (*Baltimore County*)

The Commission is an independent agency that serves individuals, businesses, and communities throughout the State. Its mandate is to protect against discrimination based on race, color, religion or creed, sex, age, national origin or ancestry, marital status, physical or mental disability, sexual orientation, and gender identity. For employment cases, it is unlawful for an employer to discriminate against an applicant or employee based on that individual's genetic information. In housing cases, discrimination based on familial status is also unlawful.

In addition, the Commission assists employers in developing bias-free selection, hiring, retention, promotion and contracting procedures; increases equal housing opportunities to all groups in Maryland; ensures equal access to public accommodations and services; promotes knowledge and understanding of anti-discrimination laws; and helps to improve civil rights within the State.

# History

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It was for the purpose of considering matters concerning the “welfare of colored people residing in the State..., recommend legislation and sponsor movements looking to the welfare of said people, and to the improvement of interracial relations, and to cooperate with other State agencies to these ends” that the General Assembly created the **Interracial Commission** of Maryland in 1927 (Chapter 559 of 1927). The Commission was originally comprised of eighteen (18) members, nine (9) of which were Black and nine (9) were white. The Commission had no investigative or enforcement powers. However, in the realm of public service, the Commission came out against the Act of 1904. More commonly known as the Kerbin “Jim Crow” Law after its sponsor, Delegate William G. Kerbin of Worcester County, this law required separate seating, dining, and sleeping arrangements for Blacks and Whites on railroads and steamship lines operating strictly within the State’s borders.

In the arena of education, the Interracial Commission brought to light the vast disparities in education between the white and black communities. Specifically, the Commission found that:

1. Black teachers received a salary of \$640 per year, while white teachers received \$1150.
2. Per pupil spending was \$95 per year per white student, while only \$45 per year per black students.
3. White schools were open 187 days per year, while black schools were open 168 days per year.

In 1943, the Commission was renamed the **Commission to Study Problems Affecting the Colored Population** (Chapter 432 of 1943). Their first recommendations were:

1. The school code be amended to provide that the minimum salaries of colored teachers and supervisors be the same as those provided to whites,
2. An institution of higher learning be established for “Colored people around Morgan College,”
3. That Blacks be represented on all Boards and Commissions appointed by the State.

However, despite their work and recommendations, the Commission lacked staff and funding, and thus any power to positively and pro-actively affect the public policy at the time.

Then in 1951, the Commission to Study Problems Affecting the Colored Population was rebranded the **Commission on Interracial Problems and Relations** (Chapter 548 of 1951). This change was prompted by nearly a decade of racial tensions in Maryland, including riots in Baltimore in 1942 and the meeting of the Maryland Congress against Discrimination in 1946. While still lacking human and financial resources, the Commission found an ally in Governor Theodore R. McKeldin, a strong civil rights advocate.

Due to the national Civil Rights Movement and the breaking down of numerous barriers, the Maryland General Assembly and Governor established the **Commission on Human Relations** in 1969 (Chapter 83 of 1968). This was the first time that the Commission was allotted a budget for paid staff. By Chapter 153 of 1969, the State waived its sovereign immunity and the Commission was empowered to initiate and investigate complaints of discrimination in State agencies.

The 1974 General Assembly made further amendments to the law. Discrimination in housing on the bases of marital status and sex were prohibited, and exceptions were provided with respect to the application of certain provisions in the Discrimination in Housing subtitle (Chapter 848 of 1974). A second bill provided that it was unlawful for persons and organizations to discriminate in certain employment practices against persons who were mentally or physically handicapped, to prohibit certain discriminatory activities against the physically or mentally handicapped in housing or obtaining loans on dwellings, and to make technical corrections to the language (Chapter 601 of 1974). A parallel bill prohibited discriminatory activities in public accommodations, employment, and housing because of marital status or physical or mental handicaps, and clarifying the language of the law (Chapter 875 of 1974).

By Chapter 419 of 1975, the Commission was permitted to seek certain types of court relief; namely, a temporary injunction if the Commission believed the appropriate civil action is necessary to preserve the status of the parties or to prevent irreparable harm. Chapter 333 of 1975 provided that it was lawful for employers to establish standards concerning an employee's dress and grooming if the standards were directly related to the nature of the employment.

Chapters 937, 907, and 706 of 1977 were important changes that set the Commission on the track to its modern composition. Chapter 937 of 1977 reduced the size of the Commission from twelve (12) members to nine (9), empowered the Commission to designate its own chair person, and abolished the previous \$16,000 salary for the Chairperson. The new legislation continued the appointment of the Executive Director by the Governor, but provided that he must choose from a list of five names submitted by the Commission, and also provided for the Executive Director's removal by the Governor upon recommendation of two-thirds of the members of the Commission. The authority to appoint and remove the Deputy Director and the General Counsel was transferred from the Governor to the Executive Director with approval by the majority of the Commission members. The law also authorized the appointment of hearing examiners to hear cases under the Human Relations law, and provided for an appeal from the decisions of the hearing examiner to the Commission. Finally, the new legislation expanded the Commission's power to order appropriate relief for victims of discrimination by empowering the Commission to award monetary relief, limited to two years back pay, to the victims of employment discrimination.

Furthermore, Chapter 907 of 1977 required employers to treat disabilities caused or contributed to by pregnancy or childbirth in the same manner as they treat other disabilities; and by Chapter 706 of 1977, the procedures that the Commission must follow in processing employment discrimination complaints against State agencies were altered.

Overall, the Maryland Commission on Human Relations got its true authority beginning with Chapter 83 of 1968. For the next few decades, amendments were adopted on occasion, but the Commission still served a single purpose – to administer and enforce the Maryland Public Accommodations Law, Discrimination in Housing Law, and the Fair Employment Practices Law. In order to effectively achieve this, the Commission has a deferral relationship and funding provided by the Equal Employment Opportunity Commission and the federal Department of Housing & Urban Development.

In 1999, Governor Parris N. Glendening made Maryland history as the first sitting Governor to advocate for banning discrimination on the basis of sexual orientation. It wasn't until 2001 that these protections were codified, after the Governor's pushing the bill in the Maryland General Assembly for two years (Chapter 340 of 2001). With that, sexual orientation was added to the already identified protected classes in Maryland law. That same year, genetic information was also included as a protected class.

The Commission has continued to build upon this framework as it carries on its superior investigatory procedures in the areas of employment, housing, public accommodations, and state contracts. In 2011, the Commission changed its name to the **Maryland Commission on Civil Rights** to more accurately reflect the anti-discrimination work through enforcement of the State's anti-discrimination laws, and through public outreach and education (Chapter 580 of 2011).

This past year, the Commission was vested with the authority to enforce Maryland's anti-discrimination laws in employment, housing, and public accommodations on the basis of one's gender identity. These protections came with the passage of the Fairness for All Marylanders Act of 2014 (Chapter 474 of 2014), and were the results of over a decade's worth of work in the legislature. Passage of this legislation was monumental for many reasons, and was the result of over a decade's worth of work in Maryland. Previously, steps had been taken within the State to include gender identity and expression as a protected class. In 2002, Baltimore City passed a law prohibiting discrimination based upon gender identity and expression in employment, public accommodations, education, and housing. In 2005, the State hate crimes provision was amended to include gender identity as a protected class. Also, in August, 2007, Governor Martin O'Malley issued an Executive Order in which gender identity and expression are included as a proscribed basis for employment discrimination. In November, 2007, the County Council for Montgomery County amended its laws to include gender identity as a covered basis under employment, housing, public accommodations, cable television services, and taxicab services anti-discrimination laws. In December, 2011, Howard County joined Baltimore City and Montgomery County in adding gender identity and expression as a protected class. Most recently, on February 21, 2012, Baltimore County included in its anti-discrimination law protections based on gender identity. However, the Maryland Commission on Civil Rights believed that geography should not be the determinative factor for whether a citizen of Maryland is protected from unlawful discrimination. Therefore, the Commission had supported similar versions of the bill introduced in 2007, 2008, 2009, 2010, 2011, 2012, and 2013, while advocating for these protections dating back to as early as the 1990's.

# Case Processing Department

The Case Processing Department provides intake and investigative services for the complaints filed with MCCR in employment, housing, public accommodations and state contracts (the State's commercial non-discrimination policy). The Department utilizes a number of different tools to attempt to resolve complaints, such as **mediation** and **fact finding conferences**. These resources have been found to be very valuable to the Commission and have had a direct impact on the data contained herein. The Case Processing Department is comprised of an **Intake Unit** and three **Investigative Units**. Our **Intake Unit** and two of our **Investigative units** are housed in Baltimore at the William Donald Schaeffer Tower. Our third **Investigative Unit, Field Operations**, has offices in Hagerstown, Leonardtown, and Salisbury.

MCCR receives complaints directly from individuals who believe they have been victims of unlawful discrimination, and also processes cases for the U. S. Department of Housing and Urban Development (HUD) and the Equal Employment Opportunity Commission (EEOC).

## Intake

If you believe that you have been the victim of discrimination and suspect that you have been treated unfairly because of your **race, color, religion, sex, age, familial status, national origin, marital status, disability, genetic information, or sexual orientation**<sup>1</sup>, you may file a complaint of discrimination with MCCR. The Commission investigates complaints from anyone who reasonably believes they have been discriminated against in the areas of **employment, housing, public accommodations, and state contracts**. The Commission may also initiate a complaint based on reliable information that any person or business is or has been engaged in a discriminatory practice. Any person may visit any MCCR office to file a complaint.

As of October 1, 2013, pregnant employees were granted a legal right to request a reasonable accommodation at work if the pregnancy causes or contributes to a disability and if the accommodation does not impose an undue hardship on the employer (*State Government Article, §20-609(b)*). For the purposes of this Annual Report, MCCR will break down employment discrimination complaints on the basis of pregnancy to advise the public of whether employees are taking advantage of this new legal right.

To file a Complaint of Discrimination, it is required that the complainant provide to MCCR a written and signed complaint. Anyone wishing to file a complaint alleging unlawful discrimination in violation of Title 20 of the State Government Article or Title 19 of the State Finance & Procurement Article must file the complaint within: six (6) months of the alleged unlawful incident in cases of discrimination by a place of public accommodation and/or employment, or one (1) year of the alleged unlawful incident in the case of discriminatory housing practices. The Commission encourages anyone wishing to file a complaint to immediately contact MCCR by telephone and speak directly with a trained intake officer at one of our offices.

## Case Intake Trends - By Region & Type

During FY2014, MCCR received a total of 675 individual complaints of discrimination, which is a reduction from the 729 complaints received during FY2013. Meanwhile, these numbers do not reflect the more than 500 contacts with the Intake Unit that are "aborted" (not processed by the Commission) for a number of reasons, such as MCCR is not the agency of jurisdiction.

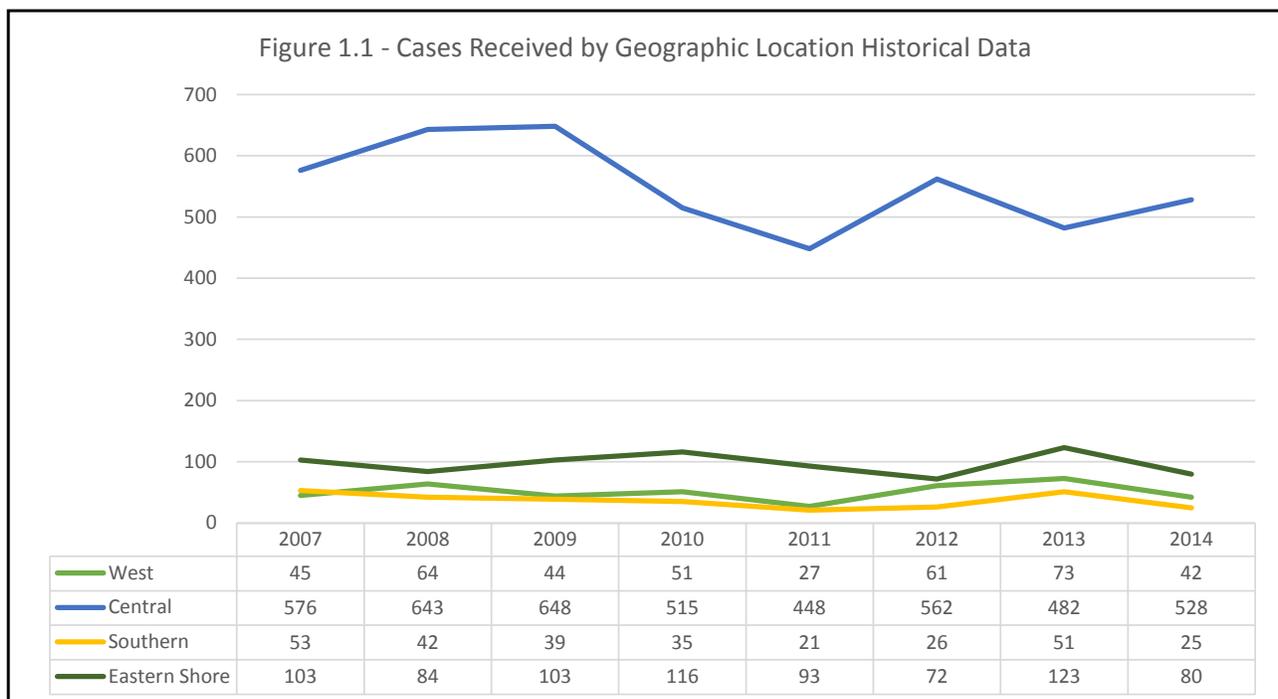
<sup>1</sup>Note: Beginning October 1, 2014, "gender identity" became a protected class in employment, housing, and public accommodations. Because this report covers matters before the Commission through July 1, 2014, there is no data to report for this expansion in Maryland's anti-discrimination law.

In reviewing this reduction, MCCR believes that it is a result of a number of transition issues which faced the organization. FY2014 saw a reduction in complaints being filed in the the rural areas of the Eastern Shore, and Southern and Western Maryland. Intake responsibilities were suspended in our field offices so that the incumbent staff could support case processing efforts. The support was needed due to the transition period related to staff retirements and new hire training. Now that MCCR is staffed and new leadership is installed, the Commission will continue comprehensive reviews of agency policies, procedures, and services to ensure that every constituent is afforded top quality service, and that the Commission is maximizing public contact, especially in these historically underserved areas of the state.

As stated previously, MCCR receives complaints from all over the state of Maryland. A breakdown of the areas in which MCCR received complaints from in FY2014 is as follows:

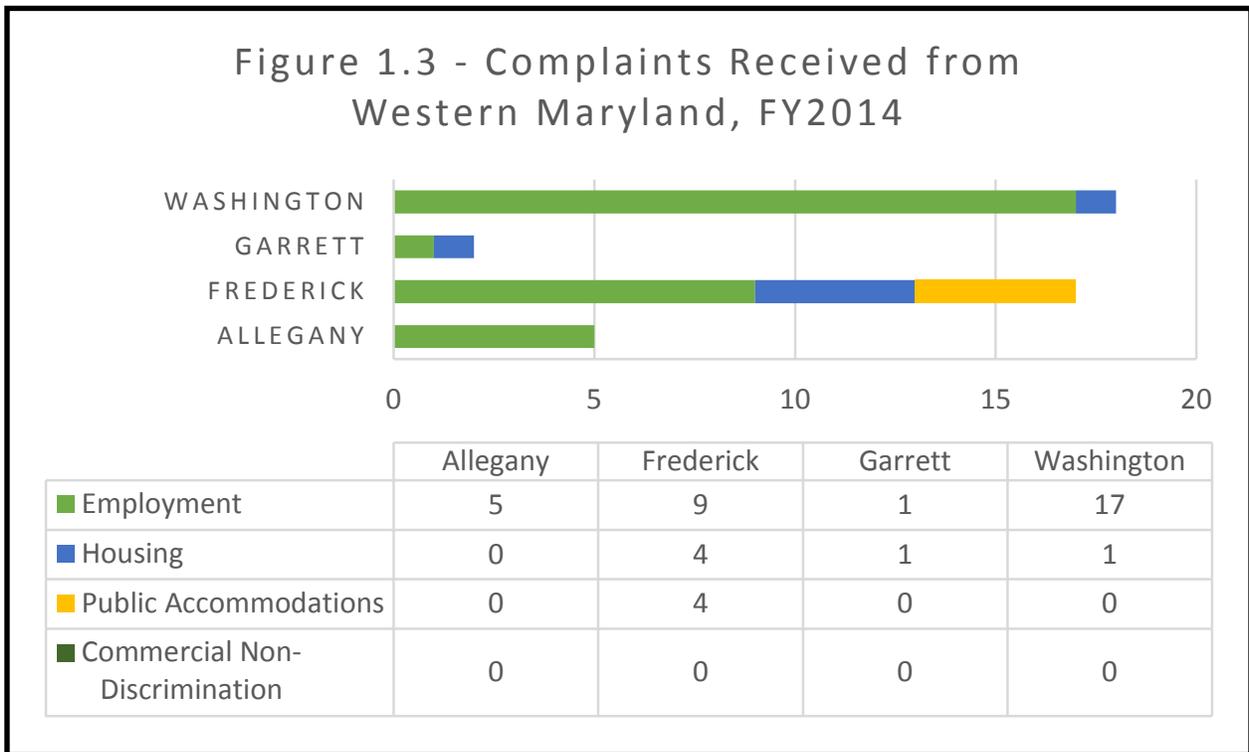
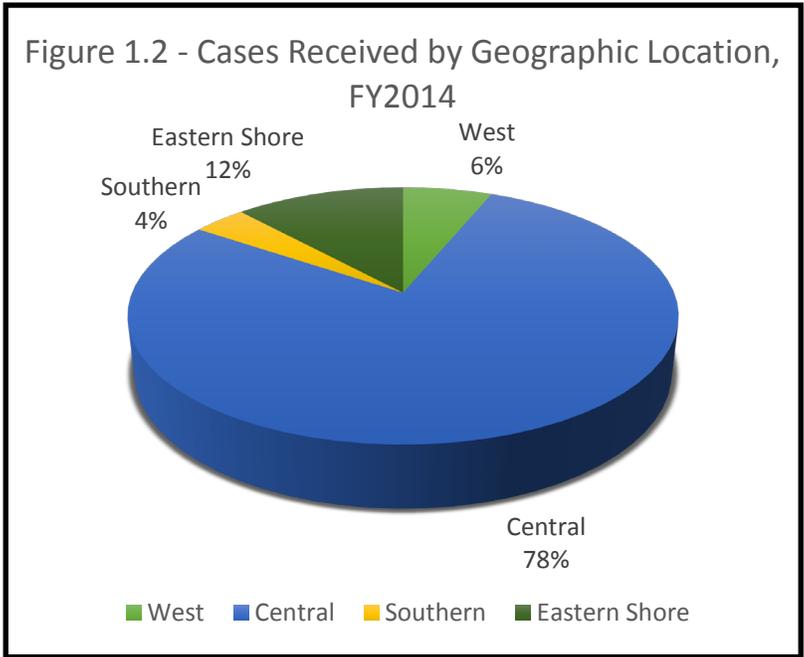
West	Central	Eastern Shore	Southern
Allegany	Anne Arundel	Caroline	Calvert
Frederick	Baltimore City	Cecil	Charles
Garrett	Baltimore County	Dorchester	St. Mary's
Washington	Carroll	Kent	
	Harford	Queen Anne's	
	Howard	Somerset	
	Montgomery	Talbot	
	Prince George's	Wicomico	
		Worcester	

A review of the historical data provided in Figure 1.1 illustrates that MCCR has consistently received the majority of its complaints from the Central-area of Maryland. MCCR is actively engaged in addressing the issues surrounding underserved populations and ensuring that all areas of Maryland have access to and are aware of the services that the Commission provides.



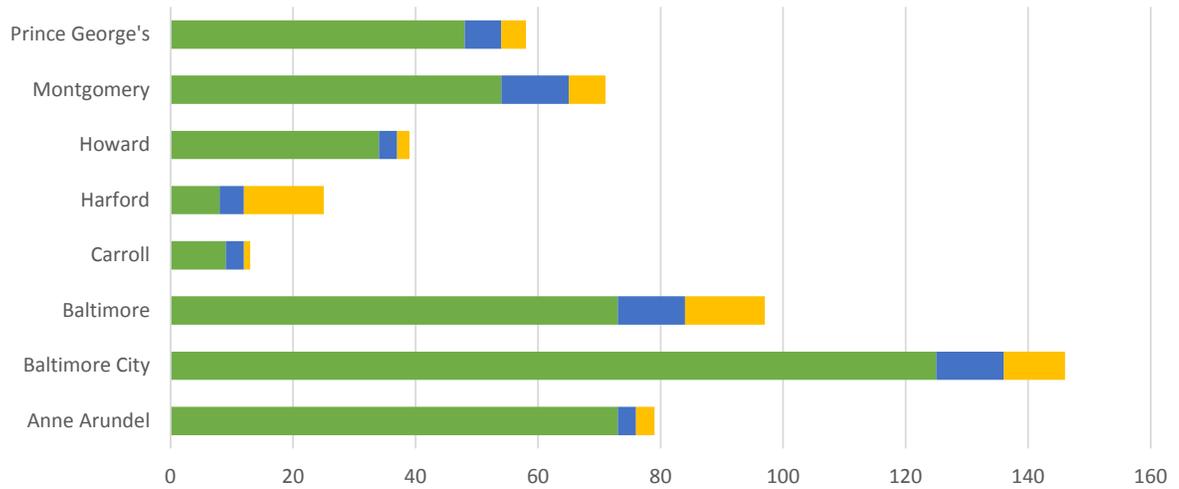
A breakdown of the complaints that were received in each of the locations for FY2014 is noted in Figure 1.2. As stated previously, the highest number of complaints (528) received were from the Central-area of Maryland. The lowest number (25) of complaints received were in the area of Southern Maryland.

The information in Figures 1.1 and 1.2 is further broken down based on the type of discrimination (employment, housing, public accommodations, or state contracts). This information varies widely by region and county. The following charts represent the individual basis of discrimination received by the Commission, separated by area and county.



To begin, Figure 1.3 illustrates what MCCR has seen for years - the second fewest amounts of complaints received come from Western Maryland, and the majority of complaints are filed on the basis of employment discrimination. However, for Frederick County, housing complaints remain higher there than in the other three counties, as was the case with FY2013. MCCR attributes this to a growing and diversifying population in Frederick County as public and private resources pour into the I-270 corridor for economic development priorities.

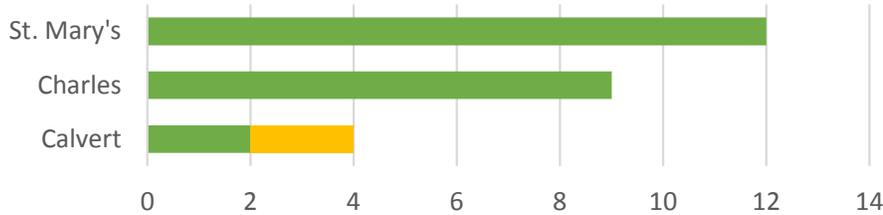
Figure 1.4 - Complaints Received from Central Maryland, FY2014



	Anne Arundel	Baltimore City	Baltimore	Carroll	Harford	Howard	Montgomery	Prince George's
Employment	73	125	73	9	8	34	54	48
Housing	3	11	11	3	4	3	11	6
Public Accommodations	3	10	13	1	13	2	6	4
Commercial Non-Discrimination	0	0	0	0	0	0	0	0

Central Maryland, represented in Figure 1.4, is the area from which the overwhelming majority of complaints are received by MCCR. MCCR believes this is because the agency's headquarters is located in Baltimore, and the designated area encompasses the State's most populous jurisdictions. As expected, employment discrimination was the number one allegation received by each county and the City of Baltimore, the only exception being Harford County which filed more complaints in the area of public accommodations.

Figure 1.5 - Complaints Received from Southern Maryland, FY2014

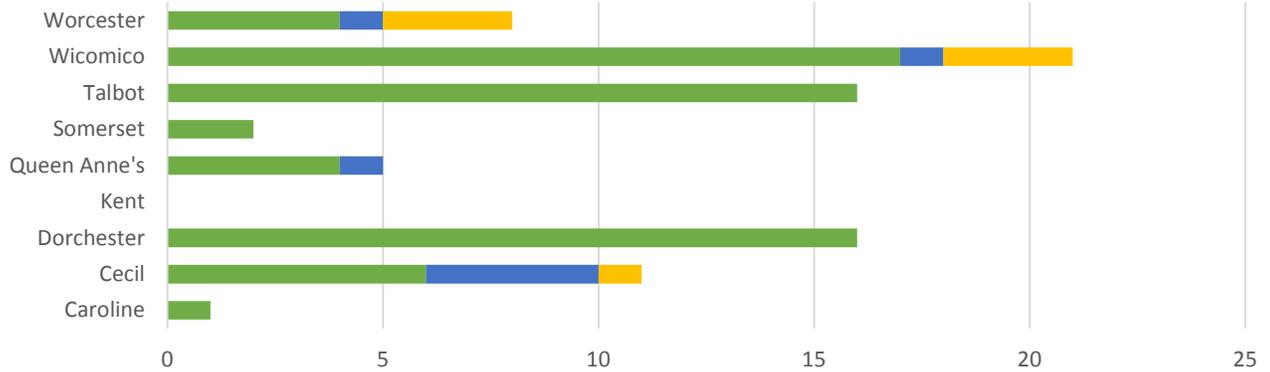


	Calvert	Charles	St. Mary's
Employment	2	9	12
Housing	0	0	0
Public Accommodations	2	0	0
Commercial Non-Discrimination	0	0	0

When analyzing data received from Southern Maryland, the area where the fewest complaints are filed, the trend of employment discrimination remains constant. The few number of complaints is most likely a result of the rural lifestyle in those three counties.

However, growth trends and a diversifying population occurring now in Southern Maryland lead MCCR to believe that increased efforts on the part of MCCR's Education and Outreach Unit are necessary to guarantee that citizens are aware of their rights, and that employers, housing providers, and business operators understand their obligation under Maryland law.

Figure 1.6 - Complaints Received from Eastern Shore, FY2014

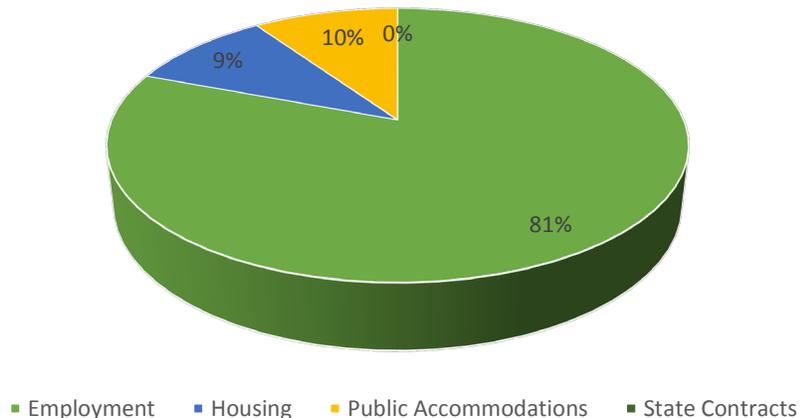


	Caroline	Cecil	Dorchester	Kent	Queen Anne's	Somerset	Talbot	Wicomico	Worcester
Employment	1	6	16	0	4	2	16	17	4
Housing	0	4	0	0	1	0	0	1	1
Public Accommodations	0	1	0	0	0	0	0	3	3
Commercial Non-Discrimination	0	0	0	0	0	0	0	0	0

The Eastern Shore of Maryland, while encompassing many counties identified in Figure 1.6, still leads a rural lifestyle. The major developed areas include Kent Island, Easton, Salisbury, and Ocean City, with every county having smaller yet more concentrated living and working areas. Employment discrimination remains the number one type of complaint received by MCCR. Wicomico, Talbot, and Dorchester counties (home to Salisbury, Easton, and Cambridge, respectively) report the largest number of complaints. As with other areas, MCCR has reason to believe this is because of an influx of new residents.

Ultimately, equal access to employment remains the top issue across Maryland, with housing following just behind. MCCR sees the need to expand its outreach and community partnership efforts with all areas outside of Central Maryland. This will be one of MCCR's top priority in the coming years, and is highlighted in MCCR's Strategic Plan.

Figure 1.7 - Complaints Received by Area of Discrimination, FY2014



**Breakdown of Complaints Received by County  
and Area of Discrimination, FY2014**

County	E	H	PA	C-ND	Total
<b>West</b>					
<i>Allegany</i>	5	0	0	0	5
<i>Frederick</i>	9	4	4	0	17
<i>Garrett</i>	1	1	0	0	2
<i>Washington</i>	17	1	0	0	18
<b>Total</b>	<b>32</b>	<b>6</b>	<b>4</b>	<b>0</b>	<b>42</b>
<b>Central</b>					
<i>Anne Arundel</i>	73	3	3	0	79
<i>Baltimore City</i>	125	11	10	0	146
<i>Baltimore</i>	73	11	13	0	97
<i>Carroll</i>	9	3	1	0	13
<i>Harford</i>	8	4	13	0	25
<i>Howard</i>	34	3	2	0	39
<i>Montgomery</i>	54	11	6	0	71
<i>Prince George's</i>	48	6	4	0	58
<b>Total</b>	<b>424</b>	<b>52</b>	<b>52</b>	<b>0</b>	<b>528</b>
<b>Southern</b>					
Calvert	2	0	2	0	4
Charles	9	0	0	0	9
St. Mary's	12	0	0	0	12
<b>Total</b>	<b>23</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>25</b>
<b>Eastern Shore</b>					
Caroline	1	0	0	0	1
Cecil	6	4	1	0	11
Dorchester	16	0	0	0	16
Kent	0	0	0	0	0
Queen Anne's	4	1	0	0	5
Somerset	2	0	0	0	2
Talbot	16	0	0	0	16
Wicomico	17	1	3	0	21
Worcester	4	1	3	0	8
<b>Total</b>	<b>66</b>	<b>7</b>	<b>7</b>	<b>0</b>	<b>80</b>
<b>Grand Total</b>	<b>545</b>	<b>65</b>	<b>65</b>	<b>0</b>	<b>675</b>

For the following sections, MCCR will further analyze the information to the left. The sections to follow will delve into the nuances of the numbers by:

- Employment
- Housing, and
- Public Accommodations

Note that there will be no section to cover enforcement of the State's Commercial Non-Discrimination Policy (State Contracts). As illustrated from each of the earlier figures, there were no cases filed in FY2014 under this area of discrimination. MCCR Commissioners and Staff are working together to identify and address any deficiencies with the State's Commercial Non-Discrimination Policy that may prevent companies or individuals from utilizing the statute. A long-term review is necessary to determine if there is a deficiency in the law itself, or if there are larger societal implications that need to be addressed through tactical education and outreach over the coming years. MCCR looks forward to the opportunity to collaborate with our leadership in Annapolis to fix this broken law.

### Employment Cases

The highest number of complaints - approximately 81% for FY2014 - received by MCCR are within the area of employment. Beginning in December, 2013, and as adopted in the Commission's 2014-2019 Strategic Plan, MCCR has implemented an aggressive and tactical outreach effort to increase the public's knowledge in all of the areas within our jurisdiction, with a particular emphasis on the areas of housing and public accommodations, but also to provide more education and outreach to our business community.

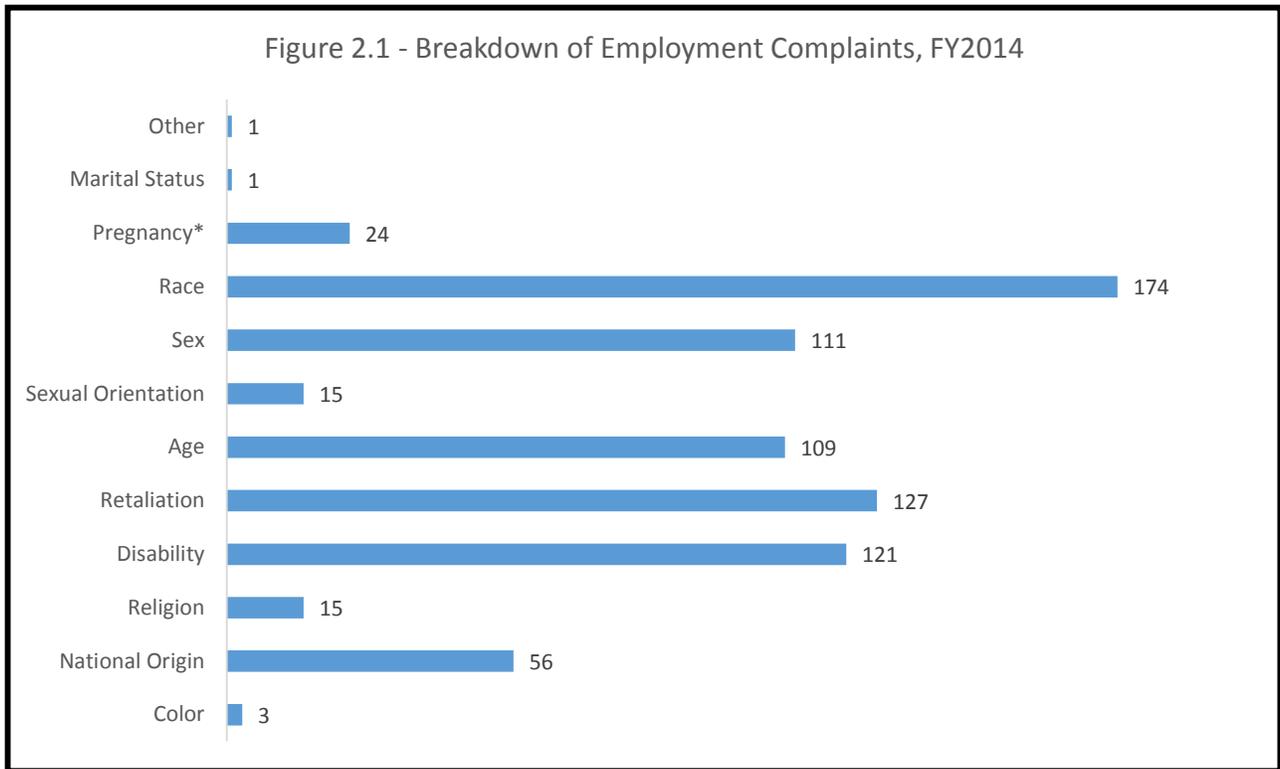


Figure 2.1 shows that the highest category of employment bases selected for FY2014 was race, which accounted for 23% (174) of the 757 bases selected during FY2014. Historically, disability and race have been MCCR's top two bases identified. However, for FY2013 sex was the number two base, accounting for 27% (201) of the bases selected, followed by retaliation and disability with 24% (178) and 23% (176), respectively. This year, retaliation claimed the number two spot for the first time, just barely outpacing disability and race.

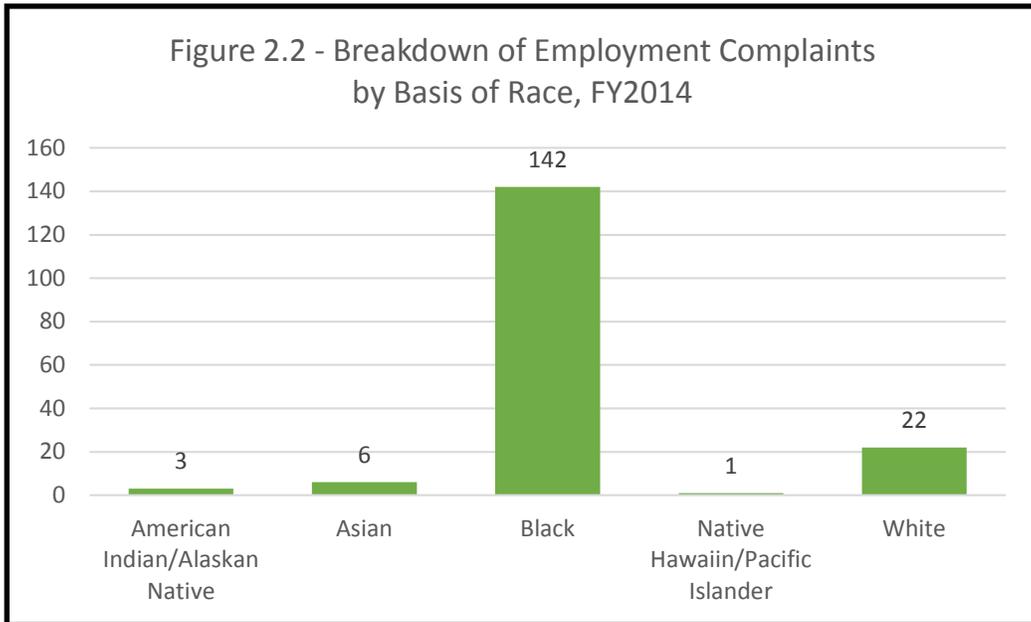
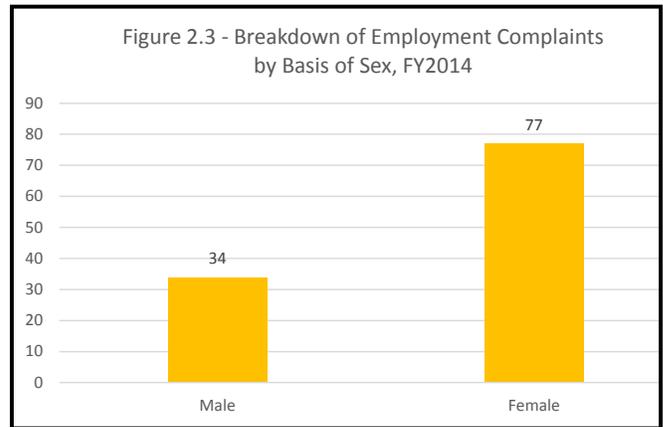
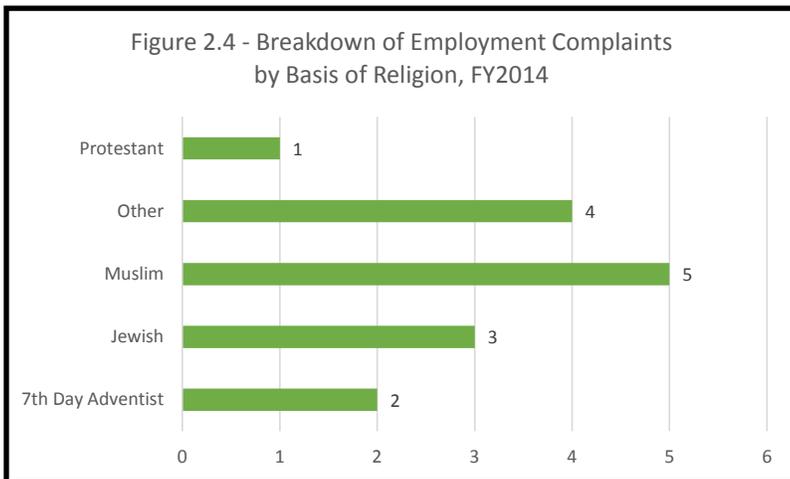


Figure 2.2 offers a look into those complaints by which race was the selected basis of employment discrimination. According to the data, the highest category of race that was designated by complainants during the FY2013 period was Black (81.6%). With Maryland's thriving Black/African American population, MCCR does not consider this statistic to be an outlier.

Figure 2.3 shows the breakdown of the allegations of sex discrimination in employment cases. For both FYs 2014 and 2013, there were many more allegations of gender discrimination due to being female, 72%, compared to those allegations of sex discrimination due to being male, 28%.

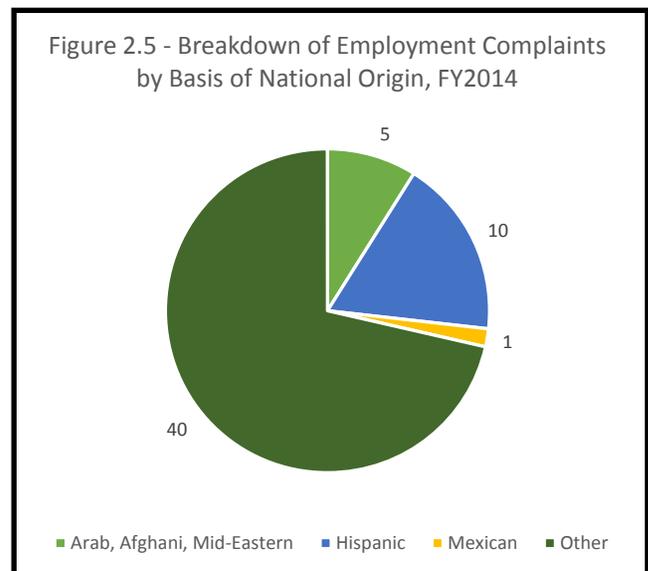


Maryland has made great strides in closing the gap on gender disparities over recent years. With legislation, such as the Lilly Ledbetter Fair Pay Act which was signed into law in 2009, and other aggressive actions to decrease and ultimately eliminate gender disparities in employment, our country has also taken the necessary steps in this effort. That being said, in reviewing the data of allegations based on sex discrimination contained in Figure 2.3, Maryland still has a long way to go. MCCR is committed to ensuring gender equality in the State of Maryland. MCCR is currently working to partner with a number of different advocacy organizations and employers to assist in the effort of promoting and ensuring that all citizens of Maryland are treated equally.



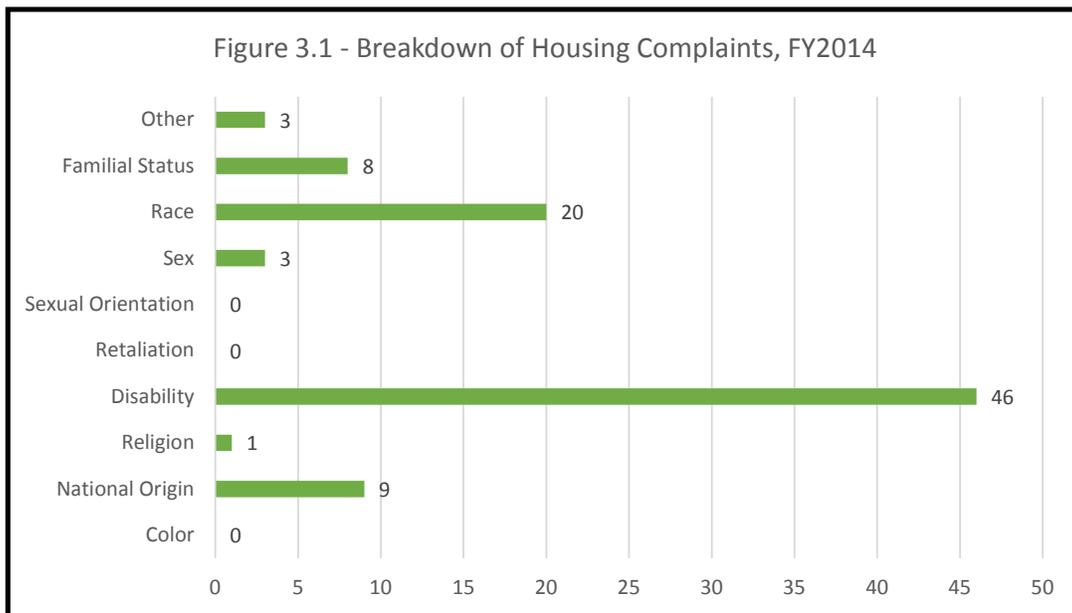
Religion is incredibly important to the fabric of American society. Figure 2.4 identifies the breakdown of the allegations on the basis of religion. As can be extrapolated by the chart, the highest category of religious discrimination allegations is against those of the Muslim faith, which has been consistent over the years. Following closely behind are complaints from those that identify as Jewish or Other religious affiliations.

A review of the data for the breakdown of the allegations on the Basis of National Origin, identified that the highest category of national origin discrimination allegations in employment to be in the area of the “other” category. The information used to gather this information is extrapolated from a federal database. The information and categories identified in this database are created and decided by our federal partners. MCCR does not currently have a way of detailing the information contained within the “other” category as listed in the federal database. However, once MCCR’s internal Case Management System (CMS) Database is fully operational, MCCR will be able to generate more detailed reports that break down “other” categories in this and other bases.



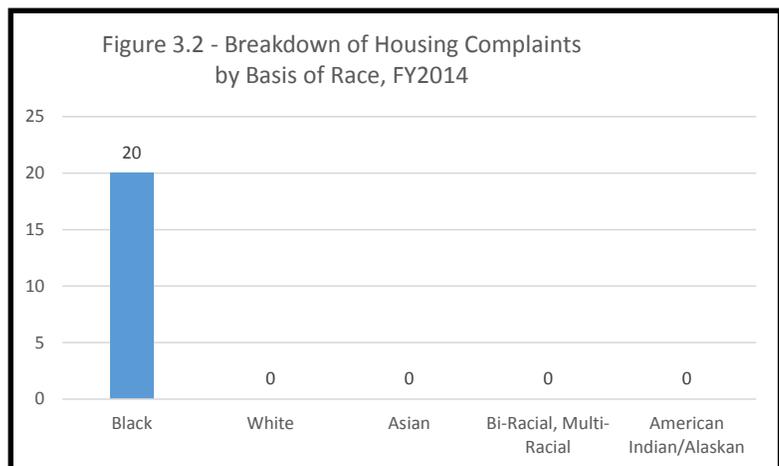
## Housing Cases

MCCR's Housing Complaints data is illustrated in the following series of charts. Figure 3.1 identifies the breakdown of the allegations selected by complainants of housing discrimination. As with FY2013, complaints of discrimination in housing accounted for roughly 10% (65 of 675) of our total number of complaints received during FY2014. MCCR's Strategic Plan outlines the initiatives that we are putting in place to address the low number of housing complaints that we receive annually. These initiatives address concerns in the areas of (1) trust, (2) accessibility/visibility in the community, (3) awareness of rights and (4) building and sustaining key partnerships with local advocacy/community organizations. MCCR believes that if advancements can be made in these four key areas, then the number of reported complaints of housing discrimination will increase.



The highest category of allegations in MCCR's housing complaints was disability. Allegations on the basis of disability accounted for 51% (46) of the 90 allegations selected in the area of housing discrimination, a slight increase from FY2013's 46% selection rate. Researching MCCR's database of housing complaints, the area of disability complaints, which is the most prevalent, is in the area of reasonable accommodations. Figure 3.1 illustrates the breakdown of allegations in housing discriminations complaints filed with MCCR.

On another note, as Figure 3.2 illustrates, every basis selected with respect to allegations of racial discrimination in housing was for Blacks/African Americans. In FY2013, Black/African American selected accounted for 95% of the 17 allegations of racial discrimination in housing. MCCR is strategically partnering with a number of different organizations to develop and implement initiatives to address this epidemic.



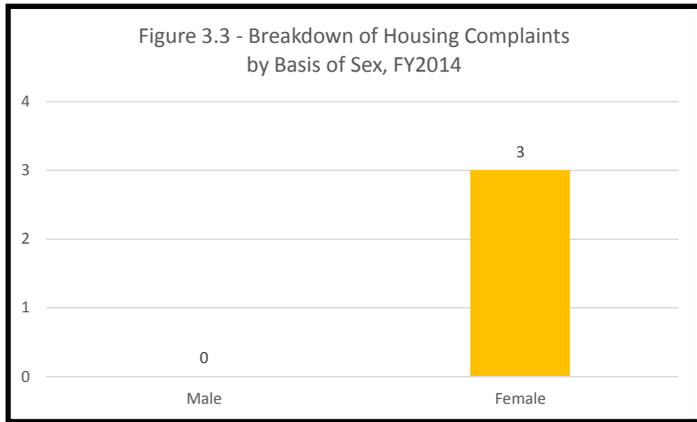


Figure 3.3 illustrates that every complainant that alleged sexual discrimination, in the area of Housing, was female. Unfortunately, as in the case of our Employment and Public Accommodations complaints, females are disproportionately being discriminated against in Housing. These numbers are the same as last year, where 4 women filed complaints of housing discrimination compared to 0 men. MCCR is committed to working to improve this statistic and help create an environment where all individuals are treated equally. MCCR is also committed to enforcing all of its anti-discrimination laws to ensure that individuals who violate these laws

are brought to justice and understand fully the ramifications of their actions.

Figure 3.4 illustrates the highest category of the Housing discrimination allegations based on Religion as “other”, which was only selected once this year. As previously mentioned, this information is extrapolated from a federal database. The information and categories identified in this database are created and decided by our federal partners. MCCR does not have a way of detailing the information contained within the “other” category as listed in the federal database.

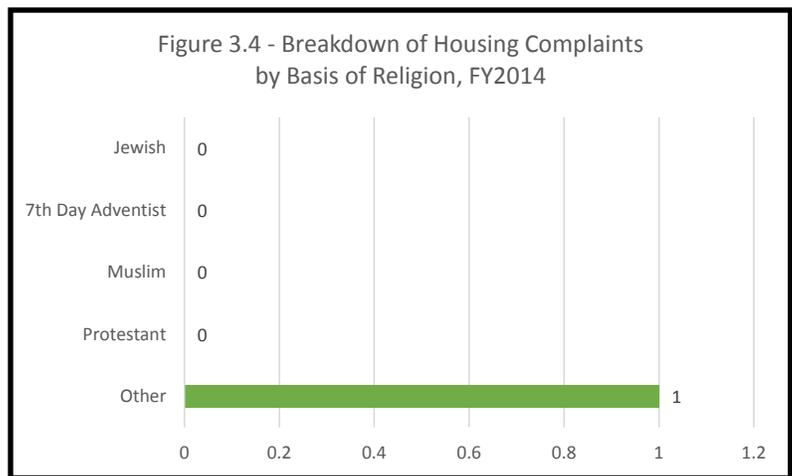
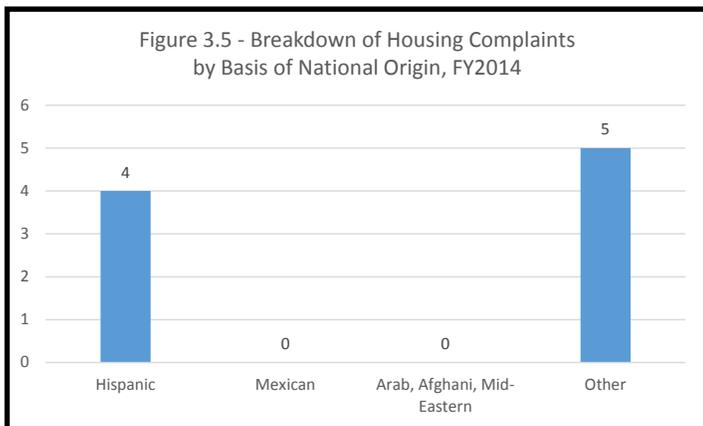


Figure 3.5 illustrates that 5 of the 9 National Origin complaints in the area of Housing were on the basis of “other”, while the other 4 were “Hispanic.” As previously mentioned, MCCR is undergoing incredible efforts to reach out to the Hispanic/Latino population in Maryland to advise them of their rights. Recently, MCCR conducted, thanks to HUD grant funding, an advertising outreach campaign in both English and Spanish to notify residents of their housing rights, and where to go if they believe they are a victim of unlawful discrimination.



As evidenced by the data presented, MCCR received no complaints, similar to recent years, of discrimination based on our Commercial Non-Discrimination Policy, which is located in the State Finance & Procurement Article, §19-101, Annotated Code of Maryland. There are multiple factors for this statistic. One of the major factors is awareness. MCCR recognizes that many individuals are unaware of this article and have no idea of their rights and actions of recourse as stated in the article. For those who are aware of the article, another factor which may prevent utilization may be that the statute itself does not provide for a financial remedy for the Complainant. This presents a severe problem in getting individuals to file complaints in this area.

MCCR is eager to work through the legislative process to modify this article to include some level of redress for Complainants.

## Public Accommodations Cases

MCCR's Public Accommodations complaints have always accounted for between 5 and 10% of the total complaints received annually. One of the major factors that has contributed to this consistently low number of complaints is that the statute, as it pertains to Public Accommodations, does not mandate any type of financial relief for the Complainant. While MCCR does have the authority to fine an entity that violates public accommodations anti-discrimination protections, the fine goes directly into the State's General Fund. This resolution does not mirror the options available for a complainant who is a victim of employment or housing discrimination. Thus, MCCR includes an option for financial relief for the complainant a legislative priority. MCCR believes that such relief would provide incentives to victims of discrimination to report abuse of the law instead of ignoring known violations.

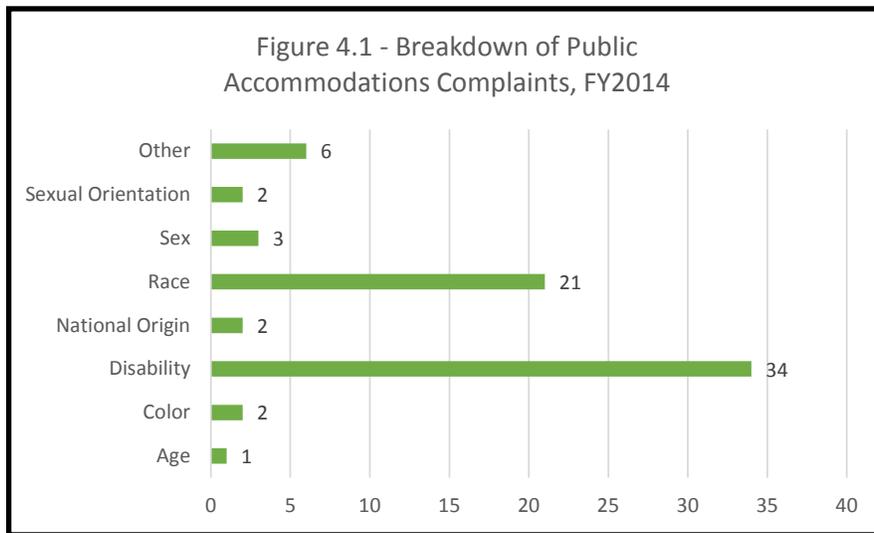
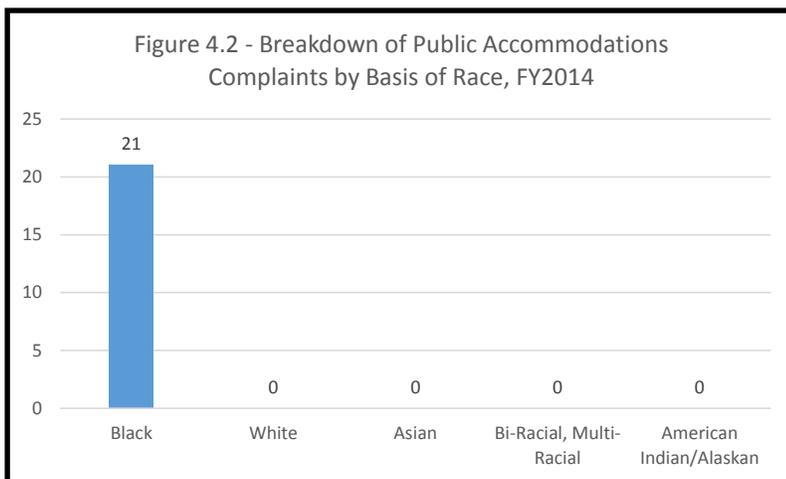


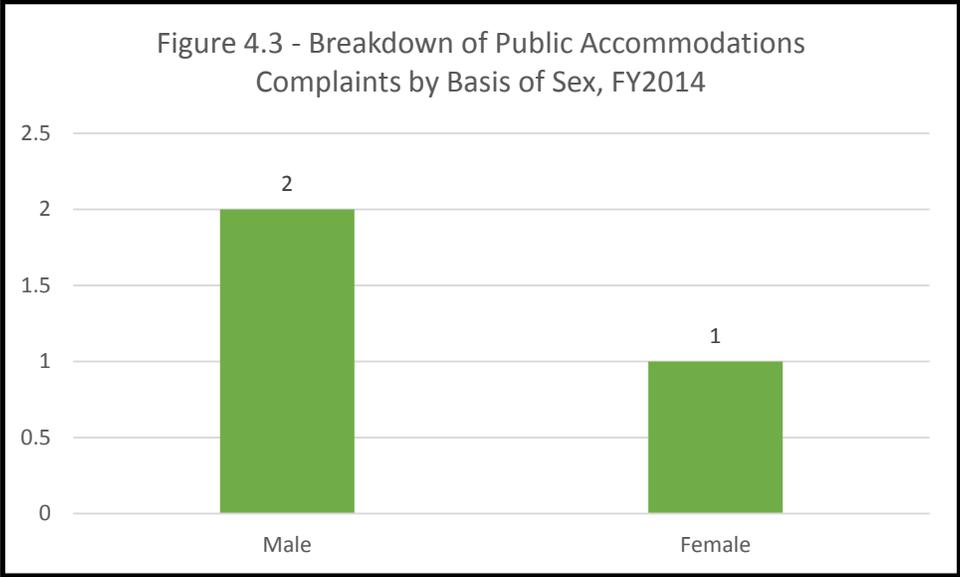
Figure 4.1 illustrates that the highest category of allegations in our Public Accommodations complaints was disability, as with housing discrimination. Allegations on the basis of disability accounted for 48% (34) of the 71 allegations selected in the area of Public Accommodations discrimination. Researching our database of Public Accommodations complaints, the area of disability complaints which appeared to be the most prevalent was in the area of accessibility. In our Strategic Plan, MCCR identifies initiatives to assist in addressing



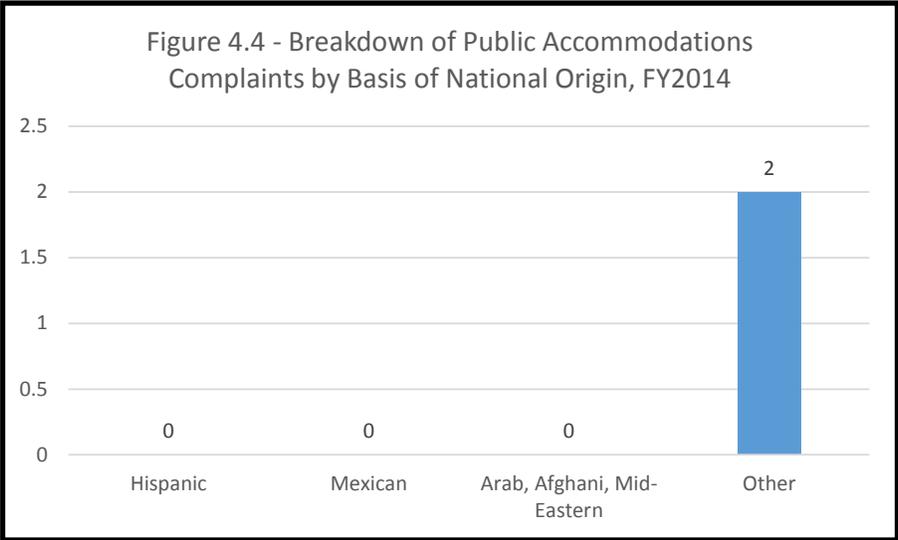
this issues. Those initiatives include training for businesses and consumers, community events to increase awareness of the need for accessibility, and forming partnerships with disability organizations to further their efforts in the area of accessibility.

Figure 4.2 illustrates that every complainant that alleged racial discrimination, in the area of Public Accommodations, was Black/African American, the same as FY2013.

Historically, Black has always been the highest category of racial discrimination complaints in the area of Public Accommodations. MCCR is focusing its efforts on determining why this statistic continues to repeat itself and what can be done to address this continuous alleged discriminatory behavior. Figure 4.3 depicts the numbers for the sex discrimination allegations in Public Accommodations.



The analysis of Figure 4.3 illustrates that the allegations of sex discrimination in the area of Public Accommodations were dispersed evenly 2:1 male to female. MCCR is strategically designing an Education/ Outreach program that will provide educational/outreach support to the community in this area. MCCR plans to engage the community in a multitude of different events that will focus on increasing the communities’ awareness of individual rights and responsibilities as it pertains to sex discrimination in the area of public accommodations. The breakdown of Public Accommodations allegations on the basis of National Origin is illustrated in Figure 4.4.

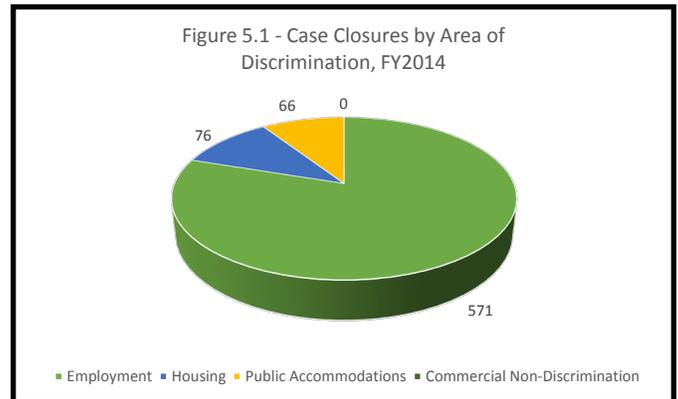


As the case with housing discrimination, all of the National Origin complaints in the area of Public Accommodations were on the basis of “other.” As previously mentioned, the information used to gather this information is extrapolated from a federal database. The information and categories identified in this database are created and decided by our federal partners. MCCR does not have a way of detailing the information contained within the “other” category as listed in the federal database.

Breakdown of Complaint Intakes by Type of Discrimination and Protected Class, FY2014				
Class	E	H	PA	Total
<b>Race</b>	174	20	21	215
<i>Black</i>	142	20	21	183
<i>White</i>	22	0	0	22
<i>Asian</i>	6	0	0	6
<i>Bi-Racial/Multi-Racial</i>	0	0	0	0
<i>American Indian/Alaskan</i>	3	0	0	3
<i>Hawaiin/Pacific Islander</i>	1	0	0	1
<b>Sex</b>	111	3	3	117
<i>Female</i>	77	3	1	81
<i>Male</i>	34	0	2	36
<b>Sexual Orientation</b>	15	0	2	17
<b>Age</b>	109	N/A	1	110
<b>Retaliation</b>	127	0	0	127
<b>Disability</b>	121	46	34	201
<b>Religion</b>	15	1	0	16
<i>Jewish</i>	3	0	0	3
<i>7th Day Adventist</i>	2	0	0	2
<i>Muslim</i>	5	0	0	5
<i>Protestant</i>	1	0	0	1
<i>Other</i>	4	1	0	5
<b>National Origin</b>	56	9	2	67
<i>Hispanic</i>	10	4	0	14
<i>Mexican</i>	1	0	0	1
<i>Arab, Afghani, Mid-Eastern</i>	5	0	0	5
<i>Other</i>	40	5	2	47
<b>Familial Status</b>	N/A	8	N/A	N/A
<b>Marital Status</b>	1	0	0	1
<b>Pregnancy</b>	24	N/A	N/A	N/A
<b>Color</b>	3	0	2	5
<b>Grand Total</b>	<b>756</b>	<b>87</b>	<b>65</b>	<b>908</b>

In closing, all of the data reported in employment, housing, and public accommodations according to the various protected classes in the different areas is aggregated in the chart to the left. The data varies widely by type of complaint, protected class, and area the complaint was filed. However, it remains constant, as in prior years, that the largest number of complaints received are on the basis of race and/or disability.

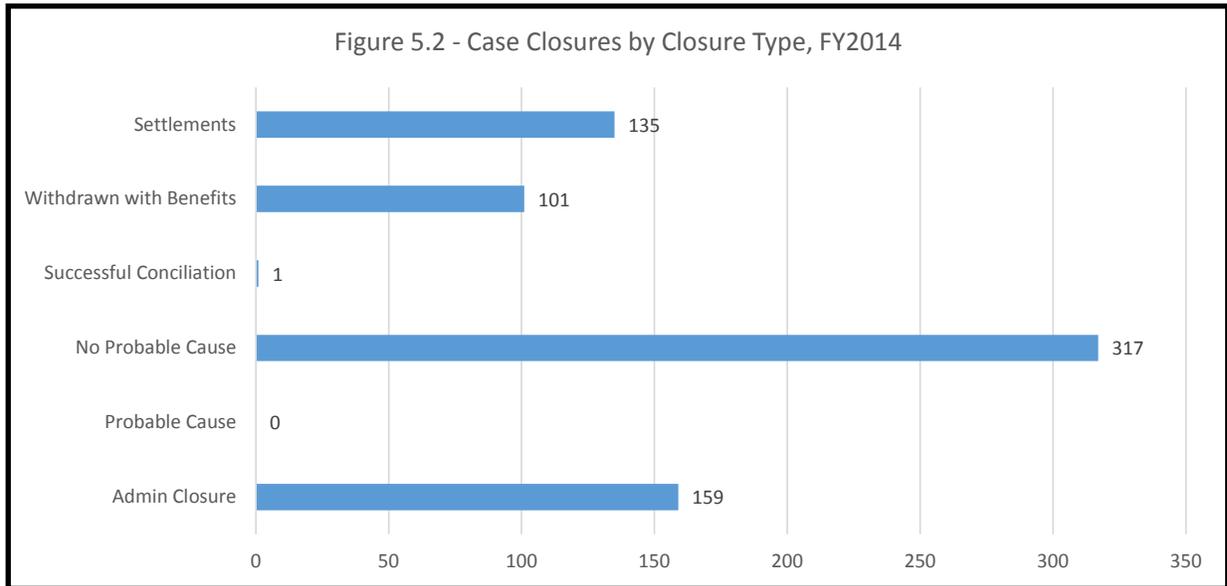
MCCR understands that a low number of complaints being filed for other protected classes does not necessarily signify that there is an absence of discrimination against those communities. Rather, MCCR believes that greater outreach and community relations efforts need to be utilized in order to establish positive relations around the State so that MCCR is receiving and investigating every act of unlawful discrimination that falls within the Commission's jurisdiction.



## Case Closures

MCCR is not only one of the best civil rights enforcement agencies in the United States, but also one of the most efficient. On average, MCCR takes under one third of the time to process a case, from intake to resolution, than federal and state counterparts. MCCR does this with extreme discipline, focusing on maximum operation given resource restraints without sacrificing quality. During FY2014, MCCR completed all work on a total of 713 individual complaints of discrimination. The breakdown of the closures is in Figure 5.1.

However, not every one of the 713 closures was a favorable resolution for the complainant. To better understand the different types of closure, Figure 5.2 breaks the information down by closure type.



The closure types above mean:

1. Administrative Closure - this happens during the investigation phase. Some examples include the alleged discriminatory act does not fall within MCCR’s statutory jurisdiction, the complaint was not filed within the statute of limitations, failure to locate/cooperate by complainant, or respondent has less than 15 employees.
2. Probable Cause - MCCR deems there is enough evidence provided to suggest that an act of unlawful discrimination occurred against the complainant.
3. No Probable Cause - MCCR does not have sufficient evidence to suggest probable cause for the complaint of discrimination. As such, MCCR is unable to conciliate or litigate the matter further.
4. Successful Conciliation - After the Probable Cause Finding is issued, the parties enter into negotiations and a settlement is agreed to by both parties.
5. Withdrawn With Benefits - The complaint of discrimination was withdrawn by the complainant and respondent because they have settled privately outside of MCCR’s services.
6. Settlements - During the investigative phase, both parties reach a mutually agreeable settlement with the help of MCCR’s services. This occurs prior to any determination of guilt being identified.

It is important to note that the closures reported above do not necessarily reflect cases being litigated by the Office of the General Counsel. When a Probable Cause Finding is issued, the case is then transferred to the Office of the General Counsel if and only if efforts to conciliate (settle) are not successful. For the purposes of this Annual Report, there is a section designated for the Office of the General Counsel to address those cases being litigated by MCCR. Furthermore, while no Probable Cause findings were issued during FY014, MCCR’s litigated case was a carry-over from FY2013. MCCR remains dedicated to providing top quality investigations. While we always strive to resolve a case as quickly and appropriately as possible, MCCR does not believe it is wise to rush a case through without giving it the extensive investigation it deserves.

In conclusion, the total number of closures by area of discrimination below:

1. Employment - 571
2. Housing - 76
3. Public Accommodations - 66

Do make note that the grand total of closures for FY2014 is 858, not the 713 reported in the last two charts. That is because a case may be filed under two separate protected classes. For instance, someone may have experienced employment discrimination for both race and sexual orientation, or housing discrimination for disability and retaliation. While it would qualify as only one case received by MCCR, the Commission is obligated to tabulate and report all of the relevant areas of protected classes. It is important to note as well that the cases closed in FY2014 may not necessarily have been cases received in FY2014. Due to a number of variables, including when the case was filed and how long the investigation/resolution efforts take, a case may have closed in FY2014 when it was received in FY2013. However, MCCR's numbers show that the case was most likely received toward the close of FY2013 because the total time to receive, investigate, and resolve a complaint remains at a third of the total time of MCCR's state and federal counterparts.

## **Monetary Relief**

Approximately 5 years ago, MCCR's Case Processing Department implemented the Fact Finding Conference (FFC) method of collecting information and investigating cases. Since its implementation, MCCR has found the FFC tool to be invaluable as Investigators work to bring the parties together early in the investigation process to seek resolution or settlement. All the while, FFC's have enabled MCCR to reduce case processing times and increase the amount of favorable resolutions to Charges of Discrimination. This, in turn, relieves the burden on MCCR's General Counsel's Office. Because cases are either settled privately and/or administratively (facilitated through MCCR's involvement), cases of discrimination where MCCR's Civil Rights Officers have found Probable Cause and where conciliation efforts have failed are being prepared for public hearing either before the Office of Administrative Hearings or (upon appeal) the Circuit Court.

Prior to FY2013, the Commission averaged well under \$1 million in monetary relief, while a higher number of cases were transferred to the General Counsel to be litigated. In the previous fiscal year, MCCR secured in excess of \$2 million in monetary relief for Complainants. MCCR is pleased to see this trend continue. For FY2014, MCCR secured **\$1,507,949.04** in monetary relief for Complainants, again largely attributed to the success and effectiveness of our FFCs.

Monetary relief is just one of the many ways Complainants and Respondents can resolve a case. In addition to this form of resolution, FFC's and thorough investigations have enabled MCCR to work with Complainants and Respondents to reinstate wrongfully terminated employees, secure equitable salaries for employees regardless of protected class, and train employers/housing providers on how to be successful in their careers while still adhering to Maryland's anti-discrimination law. As MCCR continues to reevaluate and grow, we will keep an eye on best practices both in Maryland and around the country to determine where MCCR can reform itself to provide the best service to every Marylander without increasing the burden on taxpayers.

# Case Histories

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In the Case Processing section, the numbers demonstrate the extraordinary work that MCCR carries out on a daily basis. However, these numbers do not illustrate the “human element”. At MCCR, every case received is important and is given thorough attention. To help better understand MCCR’s efforts in enforcing Maryland’s civil rights laws while improving the State’s civil rights climate, the following case histories have been compiled.

## **Employment**

### **Montgomery County**

The Complainant was a 54 year-old African-American female who had been employed for 14 years by the Respondent as a Systems Integrator. The Complainant’s white supervisors placed her on a 90-day Employee Performance Notification (“EPN”), similar to a Performance Improvement Plan, for among other issues, the misuse of flex time. Younger male employees of other races were permitted to use flex time without consequence. Shortly after the successful completion of the EPN, the Complainant was notified that she was to be among a number of employees to be laid off. The Complainant filed with the EEOC and the case was transferred to the Commission. An investigation was begun, however the Respondent and Complainant agreed to negotiate and a settlement was reached in the amount of \$31,671.52.

### **Baltimore City**

The Complainant filed a charge alleging that her employer discriminated against her because of her age and disabilities. According to the Complainant, she was assigned to teach a pre-kindergarten class which would have exacerbated her disabilities and was denied reasonable accommodations. A Fact Finding Conference was scheduled to investigate these allegations. However, prior to the conference, Commission staff facilitated settlement negotiations between the parties. As a result of these negotiations, the parties reached a settlement in the amount of \$32,029.90. In addition, the Complainant was given an opportunity to interview for a full time Special Education Teacher position.

### **Prince George’s County**

The Complainant was an African American male who had been employed by the Respondent for four years. The Complainant was promoted to the position of Body Shop Manager, in February 2012. The Complainant was not given the same compensation as the Caucasian male employees who previously held the position. The Complainant filed with MCCR. An investigation was begun, however, the Respondent and Complainant agreed to negotiate and a settlement was reached whereby the Complainant’s salary was increased by \$16,700 per year.

### **Talbot County**

Five Complainants filed six complaints of discrimination with MCCR against the same Respondent, all alleging unlawful termination due to their race - African American. MCCR successfully negotiated settlement agreements with the Complainants and Respondent, where the Complainants were each awarded between \$20,000 and \$40,000 in financial compensation as well as neutral employment references.

## **Baltimore County**

The Complainant was a female who had been employed for ten years by the Respondent, as a Bank Manager. During the last three months of her employment, the Complainant was subject to unwanted sexual advances from another manager. As a result of the persistent sexual advances, the Complainant was admitted to the hospital and placed on medical leave. The Complainant reported the harassment to the Respondent, but no action was taken. The Complainant filed with the EEOC and the case was transferred to the Commission. An investigation was begun, however the Respondent and Complainant agreed to negotiate and a settlement was reached in the amount of \$45,000.

## **Dorchester County**

Complainant contacted MCCR to file a complaint against her employer, the Respondent. Complainant alleged that she was wrongfully terminated from her employment due to her religion. She was a practicing Seventh Day Adventist. After MCCR conducted a thorough investigation over a year long period, the Respondent reinstated the Complainant to her position and awarded her all lost benefits for the duration of the investigation.

## **Montgomery County**

The Complainant was an African-American female who had been employed for 8 years by the Respondent as a Project Manager. After her position was eliminated, the Complainant's white supervisors reassigned her to a less prestigious position and then terminated her. A Caucasian male counterpart had his position eliminated, but was reassigned to an equal position and was not terminated. The Complainant filed with MCCR. An investigation was begun, however the Respondent and Complainant agreed to negotiate and a settlement was reached in the amount of \$24,000.

## **Prince George's County**

The Complainant alleged that she was sexually harassed by her female Supervisor, who was the General Manager. When she refused her sexual advances, the GM made her work in a hostile environment. Allegedly, the General Manager refused to talk to her, physically assaulted her, called her names, hollered at her, denied her breaks and made her work life miserable. The Complainant reported the behavior to the Area Manager but felt he did not take her complaint seriously and nothing was done to correct the problem. Finally on December 20, 2012, she was discharged from her job because she was a heterosexual female, not gay.

The Respondent maintained that the Complainant did not complain to the right person. She should have contacted Human Resources. They also stated there were no records regarding the Complainant or her performance.

The investigation revealed that the Respondent was re-organizing at the time of her incident. The Area Manager was the only person who made himself visible at the job and the one person she and other employees were told to communicate with. She was never made aware of the structure of the new company that was taking over or what other options she had to complain.

The Complainant had been employed with the previous employer for over four years and had good

performance reviews. The Respondent failed to provide any evidence that the Complainant had been a poor performer as the General Manager had alluded.

During these events, the Complainant became pregnant and submitted a note from her doctor detailing the need for breaks. The General Manager became upset, and began treating Complainant differently. After one particular conflict between Complainant and General Manager, the police were called. Soon thereafter, the Complainant fell ill and was overwhelmed with stress, subsequently losing her baby.

The parties reached a settlement as a remedy to the case, in which Respondent offered and the Complainant accepted the sum of \$15,000.00 as full and final settlement in the case.

## **Prince George's County**

Complainant alleged that he requested a reasonable accommodation after he suffered a work related injury in December 2010. He returned to work and in May 2012 he was assigned the position of Greeter as an accommodation to his injury. Occasionally he would be re-assigned to the Millwork Dept. which required heavy lifting, a duty he was not able to do, because of his injury. For months, he was told he was required to submit a request for accommodation from his doctor, bullied, hollered at, called a thief and other names and threatened with being assigned to Millwork permanently. He was finally discharged on January 8, 2012 after he became upset at the treatment he received at work and voiced his displeasure and opposed the discriminatory activity in the workplace. He felt the treatment he received was due to his national origin, Latino, and his disability.

The Respondent stated the Complainant was granted the requested accommodation ordered by his doctor until the doctor released him to work on February 29, 2013. The Respondent denied that the General Manager or anyone else hollered at the Complainant and stated the Complainant was the one hollering at the employees. The Complainant was asked to leave the store that day and to talk to either the General Manager or the HR Manager before he returned to work. The Respondent stated the Complainant was not fired.

The Complainant felt he was fired based on what he was told when he was sent home. He continued to feel that the Respondent did not want him there because of his national origin and the fact that he had developed a physical disability.

The two (2) parties negotiated for several months until they finally settled on a private agreement which included the sum of \$12,000.00.

## **Housing**

### **Baltimore City**

The Complainant was a person with a disability and lived in an apartment building owned by the Respondent. The Complainant requested a reasonable accommodation from the Respondent. Shortly thereafter, the Complainant's lease expired and the Respondent raised the Complainant's rent \$400 a month. The Complainant filed with HUD alleging that she was discriminated against on the basis of her disability and retaliated against for requesting a reasonable accommodation. The case was forwarded to MCCR for investigation. As the investigation began, however, the Respondent and Complainant agreed to negotiate and a settlement was reached. Accordingly, the Complainant's rent increased only \$200 a month for the next year.

## Harford County

The Complainant filed a charge alleging that the Respondent refused to process her Housing Choice Voucher Program paperwork and discriminated against her in the terms and conditions of services because of her race, disability, and familial status. According to the Complainant, she received a notice from her landlord that he would not be renewing her lease. The Complainant maintained that she submitted a Request for Tenancy Approval (RTA), however, the Respondent refused to process her new voucher because of her race, disability, and familial status. The Complainant further alleged that her advocate wrote to the Respondent to request an informal hearing to grieve the Respondent's decision to terminate her from the Housing Choice Voucher Program but the request was denied.

During the investigation of the Complainant's allegations, Commission Staff conducted conciliation conferences to assist the parties in reaching an amicable and swift resolution. As a result of these conciliation conferences, the parties reached a conciliation agreement with the following special conditions:

1. The Respondent agreed to issue the Complainant a four-bedroom Choice Voucher.
2. The Respondent agreed to provide the Complainant with search assistance from a Section 8 caseworker to help her locate and lease up an appropriate unit.

The Respondent agreed to provide ongoing communication with the Complainant and her DDA Service Coordinator throughout the Complainant's housing placement. The Respondent also agreed to initiate telephone communication with the prospective landlord, once identified, to help him/her understand what is needed for the unit to pass inspection and what documents are needed to process the paperwork. Lastly, the Respondent agreed to provide expedited processing of the Complainant's voucher to facilitate her getting settled in a unit by the beginning of the school year.

## Public Accommodations

### Baltimore City

The Complainant filed a charge alleging that she and her service animal were denied bus services. To ensure that customers who travel with service animals are accommodated on all Maryland Transit Administration (MTA) services, MTA implemented the following policies and procedures:

- As part of MTA's orientation and two-year recertification training for bus and light rail operators, the MTA provided additional materials and training specifically related to service animals and the proper treatment of individuals using service animals on MTA services. All bus and train operators sent for in-service training will also receive this training until all operators have received the new service animal training segment.
- MTA updated its training manuals and operator rulebooks to include specific rules and materials related to the use of service animals on MTA vehicles.
- MTA developed and issued a bulletin to all vehicle operators reminding them of their obligations towards individuals accompanied by service animals on MTA vehicles. MTA will reissue this bulletin every six months until all new and current operators have received the additional training related to service animals discussed above.

# Office of the General Counsel

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The Office of the General Counsel (“the Office”) provides legal representation for the Maryland Commission on Civil Rights (“MCCR”), an independent State agency. State Government Article, §20-206. In creating a legal office autonomous from the Attorney General’s Office, the General Assembly sought to avoid any conflict of interest when the State is alleged to have violate the State’s anti-discrimination. It is the Attorney General’s Office that provides legal representation for the State and its other agencies.

The Office, through litigation, exercises the State’s police power under its anti-discrimination law. The litigation may occur before the Office of Administrative Hearings (OAH), or federal or state trial and appellate courts. The Office enforces agency subpoenas, defends MCCR’s final decisions, petitions to enforce MCCR orders, and defends the agency in personnel matters and any litigation involving or brought against the MCCR. Other responsibilities include providing written and oral legal opinions to MCCR staff, management, and commissioners; training for MCCR staff; teaching best practices and providing technical assistance to small businesses, non-profits, advocacy groups, corporations, property owners, citizens, State and local government agencies.

The agency’s legislative agenda is spearheaded by the Office. In carrying out the agenda, the Office drafts legislation, amendments, and testimony; prepares the legislative packet for proposed departmental bills; testifies at committee and sub-committee bill hearings; attends bill work sessions; conducts legal research on proposed legislation; meets with legislators and provide technical assistance on proposed bills; works with the Governor’s legislative liaison; and monitors bills relevant to MCCR. The Office also is the agency’s regulation coordinator, drafter and evaluator of all proposed regulations submitted by MCCR.

## **Legal Technical Assistance**

In addition to enforcing the State’s anti-discrimination law through litigation, the agency seeks to eliminate unlawful discrimination by educating the business community regarding best practices and informing Maryland citizens of their protected rights under the law. The General Counsel’s Office provides guidance and technical assistance on the law through its participation in seminars, panels on the law, continuing legal education for lawyers, presenting at law school classes and training modules. These forums assist in educating potential complainants and respondents about the law and what to expect during MCCR’s processing of the complaint; what happens should the case be litigated; and what appeal rights are available to parties. Specific subject matter trainings are provided, as well as, updates on recent court decisions and trends that are being seen in unlawful discrimination cases. Therefore, in FY2014, the Office provided the following technical assistance:

## 1. Employment Discrimination Law

- In partnership with the State's Equal Employment Opportunity Coordinator Office, and individual State agencies, the General Counsel's Office, provided technical assistance by educating participants on the federal and State employment anti-discrimination laws. Participants included fair practice officers and EEO coordinators of the Department of Labor, License and Regulations and the State Highway Administration. Topics covered included an overview of State law, investigation techniques and employment discrimination legal theories.
- The Office presented Employment Discrimination 101 at the annual Maryland Association of Human Rights Agencies (MAHRA) training for Commissioners.
- The General Counsel's Office sponsored and was responsible for content in the 2014 Spring Edition of the Maryland State Bar Association, Labor and Employment Law Newsletter. Articles written by the legal and MCCR executive staff addressed topics such as grooming standards and religion, employment discrimination of unpaid interns, retaliation, criminal conviction records as impediments to employment, the history of MCCR and MCCR investigative process.

## 2. Housing Discrimination

- In the spring of 2014, MCCR held a major event addressing impediments to fair housing in Maryland. A fair housing symposium was successfully sponsored by the agency at the University Of Maryland Francis Carey School Of Law. The General Counsel served on the planning committee and as a panelist for one of the breakout sessions entitled, Fair Housing Enforcement.
- Fair housing law and investigation techniques training was provided by the Office to the staff of Prince George's County Human Relations.
- The Office partnered with Baltimore Metropolitan Council and Baltimore Neighborhood Inc. to create fair housing law brochures, identify and plan legal technical assistance opportunities for businesses, advocacy groups and citizens regarding the federal, State and local fair housing laws.

## 3. Civil Rights in General

- The General Counsel along with MCCR Executive Staff had the opportunity to meet with human rights delegations from Turkey and Japan sponsored by the United States State Department. The delegations were interested in learning about federal and State anti-discrimination laws, enforcement capabilities, legislative process and support of the government.
- The Office participated in the annual Human Rights Day sponsored by MAHRA in Annapolis. The General Counsel presented an overview on relevant human rights, civil rights and anti-discrimination legislation being proposed in the 2014 session of the General Assembly.

# Significant Litigation

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## *Adrienne Smith v. Windgate Condominium Council of Unit Owners*

The Windgate Condominium Council of Unit Owners was found in violation of the State's fair housing law by unlawfully discriminating against a home owner. Windgate is a 359 unit condominium complex located near the Statehouse in Annapolis. In a decision issued on June 11, 2014, Judge Nancy E. Paige of the Maryland Office of Administrative Hearings, ordered the Board of Directors of Windgate to pay damages for emotional harm and deprivation of an equal opportunity for violating the home owner's civil rights under the Maryland Fair Housing Act. Windgate must also pay a civil penalty to the State of Maryland as punishment for its misconduct.

The case involved a physically disabled home owner Adrienne Smith, who became a resident of the complex in 1998. Ms. Smith must use a cane for mobility. Shortly after moving into her dwelling in 1998, Windgate's Board of Directors granted her an accommodation in the form of a reserved parking space close to her unit due to her disability. The accommodation was necessary to allow Ms. Smith to use and enjoy her dwelling, transport items to her vehicle, and facilitate getting to her home particularly during inclement weather. For thirteen years Ms. Smith maintained the accommodation.

In 2011, Windgate's Board of Directors decided to repave all the parking lots at the complex. Following the completion of the project, the Board of Directors arbitrarily revoked Ms. Smith's accommodation. However, Maryland's Fair Housing Act holds that it is a violation of the law to refuse a disabled person an accommodation when it is reasonable and necessary for the individual to use and enjoy their dwelling. Ms. Smith requested and advocated for the return of the reserved parking space. She wrote letters, attended a Board meeting, and spoke Board members individually in an effort to save her accommodation. Still, the Board of Directors refused.

Ms. Smith became upset and frustrated by the refusal. She needed the space. Once the space was removed, she limited her social life, and curtailed her trips away from home. She was afraid that when she returned home, she might not have a place to park because the space was no longer reserved. A neighbor at Windgate, who also believed she was being treated unfairly, informed her that Baltimore Neighborhoods Incorporated, might be able to assist in her campaign to have the Board of Directors reverse its decision.

Ms. Smith turned to BNI. The organization took her complaint and decided Ms. Smith's civil rights were being violated. BNI referred her to the Maryland Commission on Civil Rights for litigation after attempting to resolve the violation with Windgate. The Commission took the complaint, conducted a full and fair investigation and found probable cause of discrimination. As a result, the Commission filed a Statement of Charges in the fall of 2013. After a four day trial in Annapolis during February 2014, the Administrative Law Judge Nancy E. Paige found that Windgate violated Maryland's Fair Housing Act by refusing to provide a reasonable accommodation to Ms. Smith. Judge Paige stated in her decision "while the Respondents (Windgate) attempted to support their decision not to specifically reserve a space for the Complainant (Adrienne Smith), based upon their unilateral and unproven determination that it was unnecessary, they offered no persuasive reason for denying the accommodation. I conclude that the Complainant's request was not unreasonable and that the Council violated the FHA by denying it."

# Hates Crimes Report

Each year, MCCR receives a copy of every Maryland Supplementary Hate Bias Incident Report Form filed by law enforcement officials around the State and compiled by the Maryland State Police (MSP). These forms are completed when there is evidence to initially suggest that a hate-motivated crime may have occurred against a victim. However, even if an investigation results in no evidence of a hate crime, the report is still retained by MSP and copied to MCCR. MCCR appreciates and thanks Maryland's finest for their exceptional service and sacrifice to keep our communities safe and welcoming to all.

Maryland Hate Bias Incident Report Form - Reporting Jurisdiction, FY2014			
Jurisdiction	Reports	Jurisdiction	Reports
Anne Arundel	11	M-NCPPC*	1
Baltimore	48	Montgomery	40
Baltimore City	1	Prince George's	3
Carroll	1	Wicomico	2
Charles	4	Worcester	1
Dorchester	1	Higher Education	18
Frederick	5	UMCP	7
Garrett	1	Towson University	2
Harford	10	St. Mary's College	7
Howard	21	UMBC	2
<b>Total</b>		<b>168</b>	
*M-NCPPC maintains law enforcement jurisdiction in both Montgomery & Prince George's counties.			

This year, MCCR received a total of 168 Hate Bias Incident Reports from MSP, a reduction from the 294 received last year. It should be noted that approximately five (5) reports were not included in this count because they appeared to be duplicative - copies of the same report (same case number from the same jurisdiction) sent to MCCR at different times, or were two separate reports for the same incident for the purpose of logging multiple codes (e.g. bias motivation, weapon, injury). Additionally, the reports counted were only received by MCCR during FY2014 - some of the reports included in this count were filed with the jurisdictions before and after FY2014, but were received by MCCR between the filing of last year's report and the submission of this report.

In the FY2013 Annual Report, MCCR raised concerns that the standards utilized between the different law enforcement agencies is not uniform. MCCR welcomes the opportunity to work with our law enforcement community and policymaking officials to identify areas where uniform standards can be implemented so as to more accurately capture data reflecting instances of hate crimes around Maryland. It is MCCR's position that a lack hate crime reporting in counties does not equate to an absence of hate crimes occurring in the area. Rather, we believe that a myriad of reasons could contribute to so many jurisdictions reporting hate crimes during FY2014 - including, but not limited to, not being adequately trained to identify and report potential incidents that could qualify as a hate crime under Maryland law.

Out of these 168 cases, 79 were verified as a hate crime, 85 were inconclusive, and 4 were unfounded. Based on the reports sent to MCCR by MSP, 74 investigations were completed while 94 remain open/continuing. After submission of these initial reports, MCCR receives confirmation of the completion and/or finding of an investigation from the various law enforcement jurisdictions.

Maryland Hate Bias Incident Report - Case Status, FY2014	
Verified	79
Inconclusive	85
Unfounded	4

As can be seen from the data to the right, race/ethnicity were the highest reported bias motivators in terms of hate crimes incidents. This reflects the same pattern as last year, where race/ethnicity far outpaced other motivators. Of these cases, Black/African American hate crimes encompassed almost every report that was received based on race. Under ethnicity, Hispanic constituted four (4) out of the five (5) reports filed. While the proportion is to be expected based on MCCR's experiences through community outreach efforts, MCCR believes that the low number of ethnicity reports with respect to the Hispanic community may be a function of the community's lack of will to contact law enforcement when an incident occurs, or simply not knowing where to go when they may be a victim of a hate crime. Both of these factors are concerns that run tandem to the previously voiced points regarding uniform reporting.

Religion, again, ranked second, with the Jewish community reporting the greatest number of incidents. As in previous years, their anecdotes mostly reflect anti-Semitic symbols, language, acts of aggression, and vandalism.

With respect to sexual orientation, all twenty (20) reports were actions against the gay and lesbian communities, with no incidents filed alleging crimes against heterosexuals or bisexuals. As with race, this may be due to many contributing factors. However, as MCCR continues to build bridges into communities across Maryland and formalize relationships with a spectrum of different strategic partners, MCCR will devote attention to educating the public on Maryland's anti-discrimination laws and where to go for redress if one believes s/he is a victim of unlawful discrimination.

To further analyze who was the victim of the hate crime, MCCR this year has extrapolated the "Victim Type" coded in the Hate Bias Incident Reports. They are as follows:

1. Individual - 112
2. Business - 12
3. Financial Institution - 0
4. Government - 22
5. Religious Organization - 12
6. Other - 2
7. Unknown - 6

<b>Maryland Hate Bias Incident Report - Bias Motivation Code, FY2014</b>	
<b><u>Race</u></b>	
White	5
Black	79
American Indian/Alaskan Native	0
Asian/Pacific	1
Multi-Racial Group	9
<b>Total</b>	<b>94</b>
<b><u>Ethnicity</u></b>	
Hispanic	4
Other Ethnicity/National Origin	1
<b>Total</b>	<b>5</b>
<b><u>Religious</u></b>	
Jewish	39
Catholic	0
Protestant	3
Islamic (Moslem)	3
Other	3
Multi-Religious Group	1
Atheism/Agnosticism/Etc.	0
<b>Total</b>	<b>49</b>
<b><u>Sexual Orientation</u></b>	
Male Homosexual (Gay)	10
Female Homosexual (Lesbian)	3
Homosexual (Gay & Lesbian)	7
Heterosexual	0
Bisexual	0
<b>Total</b>	<b>20</b>
<b><u>Disability</u></b>	
Mental	0
Physical	0
<b>Total</b>	<b>0</b>
<i>Note: after reading the summaries of the reports, some of the Bias Motivation Codes were changed due to logging errors.</i>	

Note that in every instance, the terminology and coding used for the purposes of this report reflect the instructions on the Hate Bias Incident Report Forms, and are not arbitrarily determined by MCCR.

Again, MCCR values and is incredibly thankful for the service, sacrifice, and dedication of Maryland's fine law enforcement community. Without MSP and the local law enforcement agencies working diligently to report this information to MCCR every year, the Commission would be unable to identify and developing educational initiatives and outreach strategies to combat and mitigate discrimination in our communities.

The purpose for raising concerns via the analysis of this Hate Crimes report is to identify what the Commission considers a deficiency in hate crimes-related law, regulation, training, and application. Because MCCR lacks the statutory and regulatory jurisdiction to address these concerns, it is the Commission's recommendation that the Governor, General Assembly, and relevant state and local agencies review how the state identifies and handles hate crimes related incidents to achieve:

1. Uniform identification and application of the law, and
2. Accurate reporting practices to MCCR and other stakeholders so that community based initiatives can be identified and developed to address modern trends and areas of high demand.

MCCR believes that if we can come together to accomplish these two objectives, then Maryland will progress rapidly toward that vision of achieving a State that is free from any trace of unlawful discrimination.

# Education & Outreach

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Although the Commission has always provided training for the public, in December 2013 the Agency re-established a formal Education & Outreach Unit in order to enhance services and further its mission “to ensure **opportunity for all through the enforcement of Maryland’s laws** against discrimination in employment, housing, public accommodations, and state contracts; **to provide educational outreach services** related to provisions of this law; and **to promote and improve civil rights in Maryland.**”

The E&O Unit has a variety of responsibilities including creating and providing educational programming, materials, resources and support for businesses, state and local government agencies, non-profit and community organizations, faith groups, academic institutions and the citizens of Maryland. The E&O Unit also coordinates a variety of outreach services to educate the public on their civil rights and responsibilities under the law. Outreach services include attending public events and fairs; publicizing educational information online, on local TV and radio stations and in print; and collaborating with partner organizations to ensure that all persons who live, work and visit the state of Maryland have equal access to housing, employment, public accommodations and services, and state contracts. Additionally, the Unit takes the lead in planning and hosting special events; fostering relationships with other civil rights and diversity organizations; identifying the needs of underserved populations; facilitating public dialogue and reducing conflict related to equity and human rights issues; and connecting people across their differences to improve and promote civil rights in Maryland.

## Education

Approximately 4450 individuals attended educational programming (training, seminars and workshops) provided by the Commission’s E&O Unit this fiscal year. Examples of programming topics include: Sexual Harassment Prevention, Dimensions of Diversity, Conflict Resolution, Sexual Orientation, Preventing Discrimination (Employment, Housing & Public Accommodations), and Fair Housing.

The Commission also sponsored its first Fair Housing Symposium, entitled “Revitalization & Gentrification: Forces for Diversity of Division”, in April 2014. The event was hosted at the University of Maryland Francis King Carey School of Law in Baltimore with support, in part, from the law school, the Department of Housing and Urban Development (HUD) and the Maryland Department of Housing and Community Development (DHCD). Approximately 100 attendees engaged in an interactive day of networking and educational sessions with several renowned speakers focuses on addressing current and local issues related to fair housing in Maryland.

## Outreach

In partnership with several other organizations and agencies, the Commission also attended, facilitated and assisted in planning several outreach events throughout Maryland. Events included state and regional conferences, county fair housing and disability fairs, regional cultural celebrations and commemorative events as well as local festivals and parades such as Baltimore PRIDE 2014 festival, CASA de Maryland outreach events and the Reginald F. Lewis Museum of Maryland African American History & Culture – Verizon Black History Open House Celebration. The Commission even hosted a delegation visit from the Turkish government through the English Language Institute at the University of Maryland, Baltimore County

(UMBC) to share perspectives on civil rights law in the United States and in Maryland.

Through events like these the Commission was able to connect to approximately 3800 individuals with information about the agency and its services.

## Collaboration

Education and outreach services go hand in hand at the Commission. Each training workshop is also an opportunity to reach out to new audiences who may not know about the agency or understand their own rights. Each outreach event is also an opportunity to educate the public about their legal protections and responsibilities related to civil rights in Maryland.

Through our Investigations and Legal units we are able to provide responsive assistance to individuals filing charges of discrimination. Through the Education & Outreach Unit, the Commission is able to detect and provide proactive services that not only aide in preventing discrimination but also promote and improve the climate of civil rights in our State. Filing charges, investigating cases or going to court may not always solve the underlying conflicts for many people. In fact, the same diversity that makes our communities unique and dynamic is also the source of much misunderstanding and strife among our citizens. With that in mind, the Commission has made a strident effort to start connecting people across their differences and encouraging civil, meaningful discussions about issues related to civil rights, stereotyping, identity and difference.

In FY2014, the Commission piloted a highly successful public dialogue and community engagement program entitled, Defying Definitions, in partnership with the Maryland Humanities Council, and sponsored in part by the Maryland Public Policy Fellows Program, a collaborative program of the Maryland Judiciary's Mediation and Conflict Resolution Office and the University of Maryland Francis King Carey School of Law's Center for Dispute Resolution. Exploring identity, stereotypes, and diversity, the program challenges participants to reflect on how they perceive others, how they are perceived by others, and what they understand about themselves. The project utilizes the humanities (personal stories, film, literature, photography, and poetry) to bring people together for dialogue, both online and in community settings, with the goals of breaking down stereotypes, reducing conflict, and modeling civil and meaningful discussion. The pilot project focused on the three counties in Southern Maryland (Calvert, Charles & St. Mary's) in Fall 2013 and the online platform, [www.defyingdefinitions.org](http://www.defyingdefinitions.org) has had thousands of visitors since its launch in August 2013. The Commission has now taken full ownership of the program and the website and plans to continue to encourage future community conversations.

In addition to the Defying Definitions project, the Commission also hosted several film screenings and discussions and special educational sessions for in-house staff as well as other human rights/relations associations in Maryland to continue to build a strong network of organizations committed to furthering civil rights in our State.

By better educating the public, raising awareness about the Commission and building strong collaborative partnerships we are providing the best chance of realizing our vision, *to have a State that is free from any trace of unlawful discrimination.*

# Information Technology

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In FY2014, MCCR's Information Technology (IT) Department successfully met the technology needs of the agency. The IT staff, which consists of a Data Processing Technical Support Specialist II, provided a well-organized and reliable information technology environment for the staff to implement all the endeavors of MCCR.

With limited funds in FY2014, the department continued to:

- Find cost-effective solutions
- Maintain a stable and secure network
- Provide quality hardware and software support
- Maintain and support applications and databases
- Improve and maintain an informational web site

The MCCR web server continues to be one of the most beneficial and cost-effective tools managed by the IT Department. In 2009, MCCR streamlined its client/server based applications by moving them to a Web-based platform. The benefits on the user side are greater mobility for field and telecommuting workers. Teleworkers can log into MCCR web based applications from any browser, anytime or anywhere. On the support side, it is easier for the IT Department to distribute, maintain, and provide support for these centralized web based applications.

During FY2013, MCCR upgraded the agency network infrastructure, workstations, software and firewall appliance. Also, a new protected site for employee use has been created. This site is an information portal resource that is password protected from public access enabling all employees to access regardless of physical location. Also developed in-house were the MCCR Support Center, which allows for trouble ticket tracking to improve computer support and the MCCR File Cabinet, which is an online and password-protected "DropBox" type of utility for employee use. During FY2014, MCCR successfully brought the Inventory databases, Request to Purchase database and a redesigned version of the CTS (Contact Tracking System) database now called CMS or Case Management System) to the web platform thus giving employees secure access from any internet-connected computer.

In 2013, the IT Department launched a completely redesigned website. The redesigned website has a user-friendly layout, utilizes 'responsive design' strategies so that it is usable on most any device (smart phone, tablet or computer) and is also compliant citizens are sight impaired. The website also helps visitors quickly browse information and submit complaints. During FY2014, the main website recorded 107,078 visitors and logged 1,028,029 hits.

It is our pleasure to serve the Citizens of Maryland. Each year our goal is to meet and exceed the needs of all internal and external customers.

# Annual Operating Budget

<b>MCCR Budget Report for Last Three Fiscal Years</b>			
<b>Fiscal Years</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
<b>Federal Funds</b>			
<b>HUD</b>	\$286,556	\$222,450	\$167,742
<b>EEOC</b>	\$349,490	\$332,622	\$351,086
<b>Special Funds*</b>	\$0	\$12,336	\$0
<b>Reimbursable Funds**</b>	\$0	\$5,000	\$0
<b>Total Federal Funds</b>	\$636,046	\$572,408	\$518,828
<b>General Funds</b>	\$2,510,970	\$2,424,819	\$2,368,299
<b>Grand Total</b>	\$3,147,016	\$2,997,227	\$2,887,127
<b>Staff Positions</b>			
<b>Authorized Permanent</b>	37.6	34.6	34.5
<b>Contractual</b>	1.0	.5	0
<b>Total Positions</b>	38.6	35.1	34.5

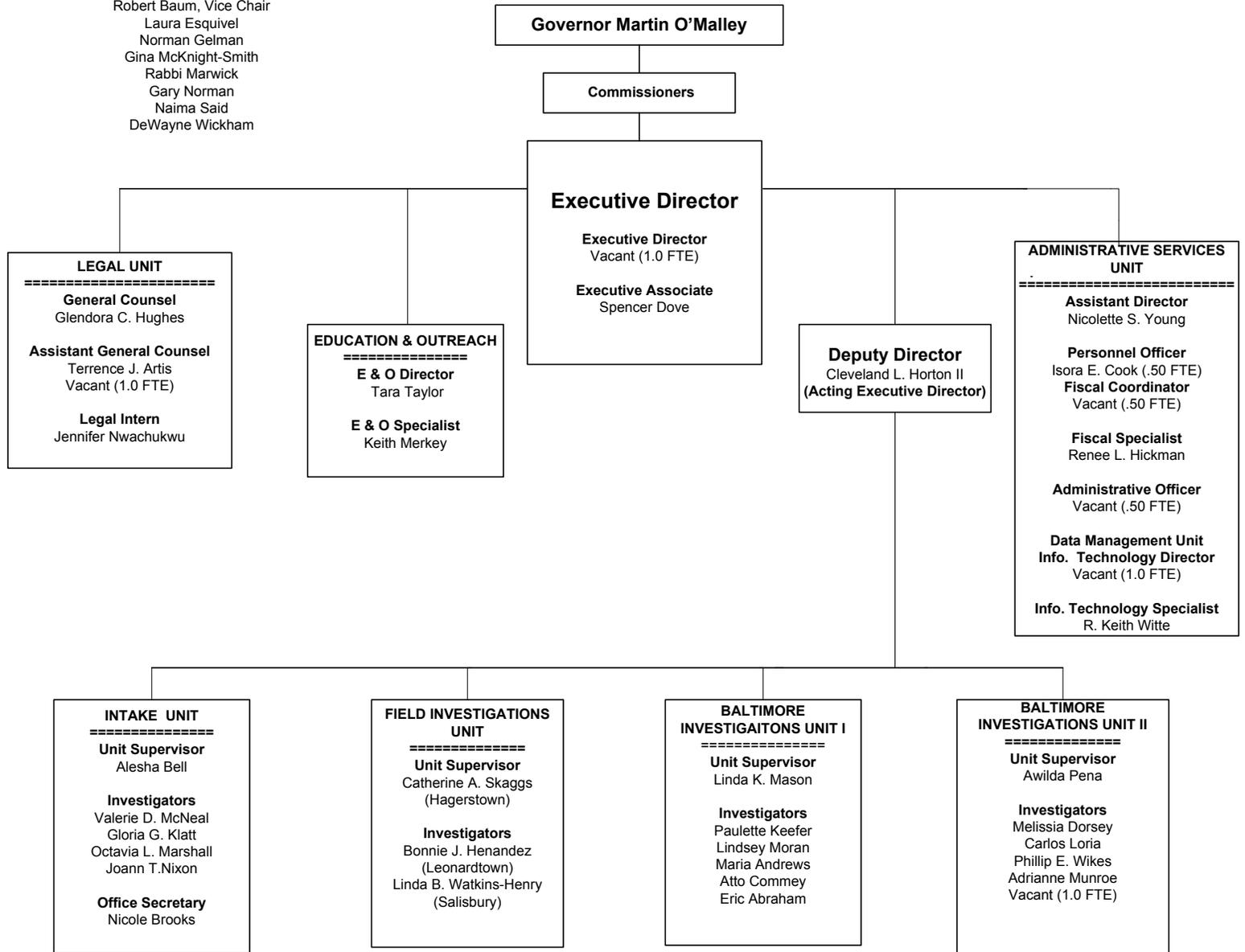
\*“Special Funds”: Associated with the statewide Cost-of-Living Adjustment. This one-time special fund source (Budget Restoration Fund) was created during the 2012 Special Session of the Maryland General Assembly in lieu of General Funds.

\*\*“Reimbursable Funds”: The Judiciary’s Maryland Mediation & Conflict Resolution Office (MACRO) awarded MCCR \$5,000 in grant funding for mediation activities related to the Community Conversations Initiative pilot project.

# Organizational Chart

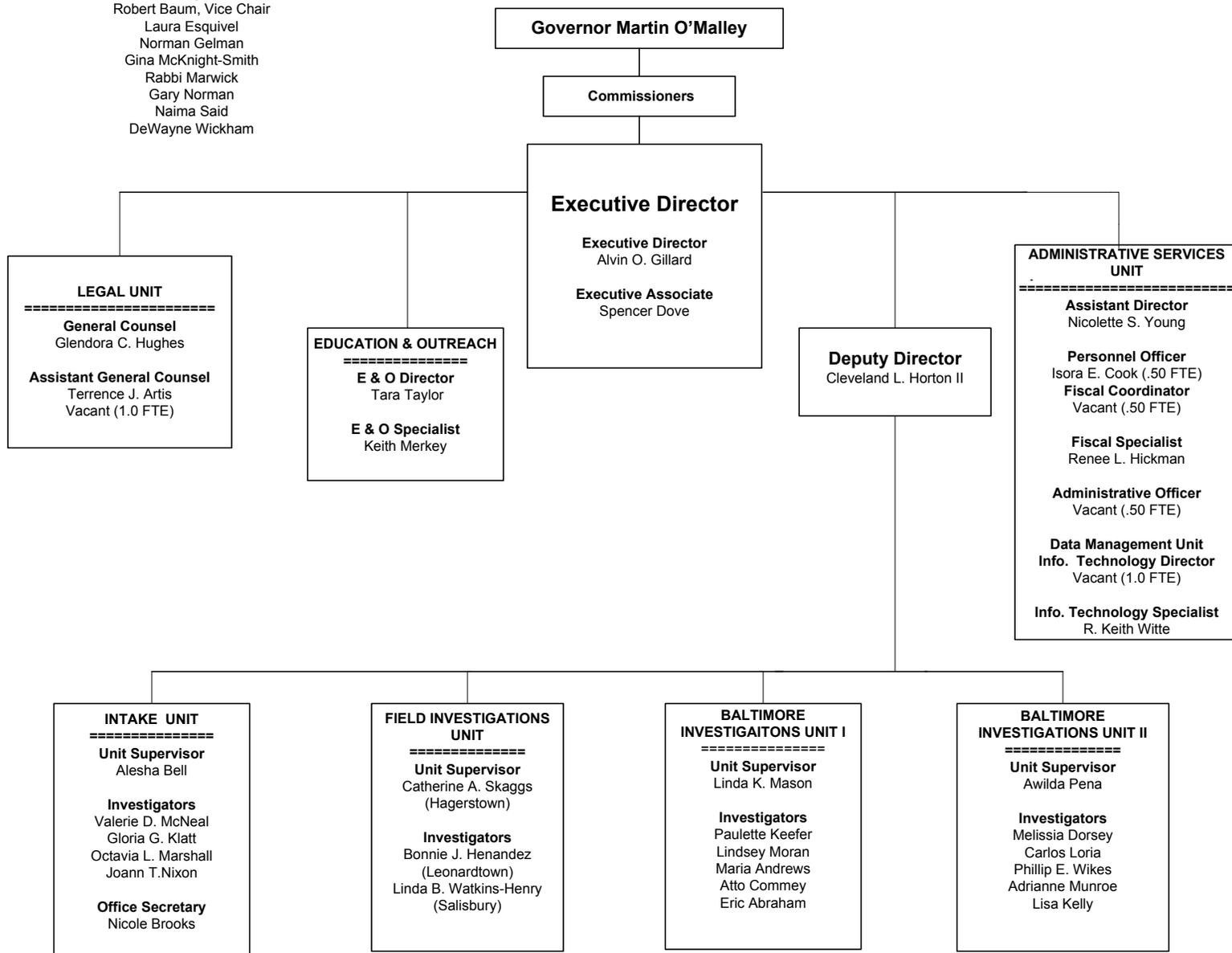
**MCCR Organizational Chart**  
**Current as of June 30, 2014 – End of Fiscal Year 2014**

COMMISSIONERS  
 Shawn Wright, Chair  
 Robert Baum, Vice Chair  
 Laura Esquivel  
 Norman Gelman  
 Gina McKnight-Smith  
 Rabbi Marwick  
 Gary Norman  
 Naima Said  
 DeWayne Wickham



**MCCR Organizational Chart**  
**Current as of December 31, 2014 – End of Calender Year 2014**

COMMISSIONERS  
 Shawn Wright, Chair  
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 Norman Gelman  
 Gina McKnight-Smith  
 Rabbi Marwick  
 Gary Norman  
 Naima Said  
 DeWayne Wickham



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