

## MICHIGAN CIVIL RIGHTS COMMISSION MEETING

Monday, February 1, 2019 ~ 2:00 P.M.

Detroit Cadillac Place, Grey Room

3054 W Grand Boulevard, Suite 3-600

Detroit, Michigan 48202

### MINUTES

PRESENT: Commission Co-Chair Laura Reyes-Kopack  
Commissioner Stacie Clayton  
Commissioner Ira Combs, Jr.  
Commissioner Jeffrey Sakwa  
Commissioner Alma Wheeler Smith  
NEW COMMISSIONER Denise Yee Grim

EXCUSED: Commission Secretary Rasha Demashkieh  
NEW COMMISSIONER Regina Gasco-Bentley

### CALL TO ORDER / ROLL CALL

The meeting was Called to Order at 2:31 p.m. by Co-Chair Reyes-Kopack. Roll Call of the Commissioners was taken to determine a quorum. Commissioner Sakwa, Commissioner Clayton, Commissioner Smith, Commissioner Reyes-Kopack, Commissioner Combs, Commissioner (NEW) Grim. With six of eight commissioners present, quorum requirements were met.

### INVESTITURE OF NEW COMMISSIONER

Denise Yee Grim took the Oath of Office, sworn-in by Commission Co-Chair Laura Reyes-Kopack.

### AMENDMENT OF MEETING AGENDA

**MOTION: Move to Amend the Meeting Agenda by tabling Ongoing Business item: "Migrant Farmworker Update" until the next meeting; adding new Agenda item "Remarks by Attorney General Dana Nessel" to follow Agenda Item 3: "Approval of Meeting Agenda"; moving Ongoing Business item: "Request to AG to Reconsider AG Formal Opinion 7305" to follow Agenda item "Remarks by Attorney General Dana Nessel"; adding "Request from Michigan Asian and Pacific Americans Affairs Commission" to Agenda item 11: New Business; moving Agenda item 12: "Public Comment" to follow the Request to AG to Reconsider AG Formal Opinion 7305.** Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Sakwa) and supported (Commissioner Combs), the Amended Meeting Agenda was Approved.** *Motion carried unanimously.*

### REMARKS BY ATTORNEY GENERAL DANA NESSEL

#### PUBLIC COMMENT

Tim Greimmel  
Elena Herrada  
Teresa Kelly  
Dominic Burubard

## REQUEST TO AG TO RECONSIDER AG FORMAL OPINION 7305

### Michigan Civil Rights Commission Resolution Requesting Reconsideration of AG Opinion 7305

*Whereas, on May 21, 2018 the Michigan Civil Rights Commission (Commission) promulgated Interpretive Statement 2018-1, and*

*Whereas, in that statement the Commission determined the language prohibiting discrimination “because of...sex” was ambiguous as used in the Elliott Larsen Civil Rights Act and interpreted the Act to encompass discrimination because of gender identity and sexual orientation, and*

*Whereas, on July 20, 2018 the Attorney General issued a formal, Attorney General Opinion No. 7305, and*

*Whereas, Attorney General Opinion 7305 found that the Commission’s interpretive statement is invalid because it conflicts with the original intent of the Legislature as expressed in what he called “the plain language of the Act, and as interpreted by Michigan’s courts,” and*

*Whereas, the Commission, determined that Attorney General Opinion 7305 did not void the Interpretive Statement because:*

- *By Constitution and Statute, the Commission is the penultimate authority designated to interpret what is determined was ambiguous language in the Elliott Larsen Civil Rights Act, and*
- *Once the interpretive statement was issued, if the Attorney General wished to invalidate the Commission’s determination, he could only do so by bringing a court action challenging it, and*
- *the Attorney General’s opinion was premised upon the statute’s language being “unambiguous”, an untenable position given the opinions of the Sixth Circuit Court of Appeals and other courts that have ruled the phrase “because of sex” is inclusive.*

*Thus, the Commission instructed the Department to continue accepting and investigating cases pursuant to Interpretive Statement 2018-1, and*

*Whereas, the Assistant Attorney General assigned to the Commission informed the Commission that it would not be represented by the Attorney General if it were legally challenged for interpreting the statute differently than as directed by the Attorney General, and he further instructed that Commissioners who supported the Interpretation would waive their statutory immunity by disagreeing with the wishes of Attorney General, and*

*Whereas, it is necessary that the Commission understands where Interpretive Statement 2018-1 stands legally, and*

*Whereas, it is necessary that the Commission knows whether the office of the Office of Attorney General will represent the Commission or individual Commissioners if there is litigation to which it or they are a party, and*

*Whereas, it is necessary that the Commission understands whether the Office of Attorney General will represent the interests of the Department should a legal action be brought challenging the Department’s jurisdiction to investigate a complaint pursuant to Interpretive Statement 2018-1 and contrary to Attorney General Opinion 7305.*

***It is therefore resolved*** that the Michigan Civil Rights Commission requests that the Michigan Attorney General review and reconsider the conclusions reached in Attorney General Opinion 7305 promulgated July 20, 2018, and that once adopted this resolution constitutes the request.

***It is further resolved*** that the Attorney General provide the Commission with an assurance that the Assistant Attorney General assigned to act as Commission Counsel will represent the Commission’s interests by presenting it with legally supportable options available to it while

*considering an action and defending the Commission's interests and Constitutional Authority even when different than the Office of the Attorney General.*

**MOTION: Move to Adopt Resolution as presented.** Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Smith) and supported (Commissioner Clayton), the Resolution was Adopted.** *Motion carried unanimously.*

#### **ADOPTION OF CONSENT AGENDA**

**MOTION: Move to Adopt Consent Agenda as presented.** Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Combs) and supported (Commissioner Smith), the Consent Agenda was Adopted.** *Motion carried unanimously.*

#### **APPROVAL OF MINUTES FROM November 19, 2018 MEETING**

**MOTION: Move to Approve the Minutes from November 19, 2018 Meeting as submitted.** Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Combs) and supported (Commissioner Sakwa), the Minutes were Approved.** *Motion carried unanimously.*

#### **DIRECTOR'S REPORT**

Executive Director Agustin Arbulu provided status updates on the Department's activity.

#### **COMMISSION MATTERS**

- **CO-CHAIR REPORT**  
Commissioner Reyes-Kopack provided a status update on Commission activity, and will further discuss the Commission Educational Retreat at the next or the following meeting.
- **ATTORNEY GENERAL REPORT**  
This agenda item was waived.
- **COMMISSION COMMITTEE REPORTS**  
This agenda item was waived.
- **NOMINATING COMMITTEE FOR 2019 ELECTION OF OFFICERS, Jeff Sakwa**  
Commissioner Sakwa presented the slate of nominees: Chair – Commissioner Smith; Vice Chair – Commissioner Clayton; Secretary – Commissioner Reyes-Kopack.  
**MOTION: Move to Appoint slate of nominees as presented.** Following discussion, the following Motion was brought forth: **On Motion duly made and supported, the slate of officers was Approved.** *Motion carried unanimously.*

#### **ONGOING BUSINESS**

##### **LEGISLATIVE UPDATE AND ACTIVITIES, Lee Gonzales**

Mr. Gonzales provided a status update of legislative activities, as well as distributing handouts of 100<sup>th</sup> Legislature: 2019-2020.

##### **UPDATING OF PROCEDURAL RULES FOR EDUCATION HEARINGS, Director Arbulu**

Director Arbulu presented draft revisions of the Procedural Rules for the Education Hearings.

**MOTION: Move to Adopt the revised Procedural Rules for the Education Hearings.** Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Smith) and supported (Commissioner Sakwa), the revised Procedural Rules were Adopted.** *Motion carried unanimously.*

#### **RESCHEDULING OF EDUCATION HEARING, Director Arbulu**

Director Arbulu presented Commissioners' dates of availability for rescheduling of the January 28, 2019 Education Hearing. Following discussion, the Commission agreed to convene the next Hearing immediately following the March 25, 2019 Commission Meeting.

#### **NEW BUSINESS**

**ADOPTION OF RESOLUTION RECOGNIZING ACHIEVEMENTS OF FRED T. KOREMATSU, Commissioner Grim**

*Whereas, Fred T. Korematsu was born in Oakland, California on January 30, 1919 as the third of four sons to Japanese immigrant parents, and*  
*Whereas, Fred T. Korematsu was one of the 120,000 Japanese Americans who was interned following the attack on Pearl Harbor by the Imperial Japanese Navy on December 7, 1941, when President Franklin Delano Roosevelt issued Executive Order 9066 on February 19, 1942 authorizing the Secretary of War and military commanders to require people of Japanese ancestry to be placed in internment camps;*  
*Whereas, Fred T. Korematsu appealed his case all the way to the U.S. Supreme Court, resulting in the December 1944 decision of Korematsu v. United States, a 6 to 3 decision that declared the incarceration was justified as military necessity;*  
*Whereas, Fred T. Korematsu later moved to Detroit, Michigan where his younger brother resided, and there he met his wife Kathryn, and the two wed before moving back to California;*  
*Whereas, Fred T. Korematsu's conviction was vacated on November 10, 1983 by U.S. District Judge Marilyn Hall Patel of the Northern District of California, which cleared Fred's name but did not overturn the decision in Korematsu v. United States until the U.S. Supreme Court repudiated and overruled it in June of last year;*  
*Whereas, Fred T. Korematsu remained a civil rights activist throughout his life; and in 1998 he was awarded the nation's highest civilian honor, the Presidential Medal of Freedom from President Bill Clinton;*  
*Whereas, Fred T. Korematsu was recognized in 2010 when the State of California passed the Fred Korematsu Day Bill marking the first day in the United States named after an Asian American of Japanese ancestry;*  
*Whereas, Fred T. Korematsu Day has been recognized in California, Hawaii, Utah, Georgia and Virginia;*  
*Whereas, Fred T. Korematsu is recognized as a national civil rights hero whose legacy continues to inspire activists of all backgrounds;*  
**NOW THEREFORE, the Michigan Civil Rights Commission hereby recognizes the achievements of Fred T. Korematsu as a civil rights hero and encourages the Michigan Legislature and the Governor to join in recognizing Fred T. Korematsu and his contributions to the nation's civil rights movement by advancing civil rights for all people in Michigan and across the nation.**

**MOTION: Move to Adopt the Resolution recognizing achievements of Fred T. Korematsu.** Following Discussion, on Motion duly made (Commissioner Grim) and supported (Commissioner Smith), the Resolution was Adopted. *Motion carried unanimously.*

MAPAAC Request, Commissioner Grim

A request letter was received from the Michigan Asian Pacific American Affairs Commission regarding civility and increasing outreach efforts. Following discussion, a Motion was brought forth.

**MOTION: Move to direct MDCR Director to meet with LARA Director where the Michigan Office of New Americans (MONA) is housed to begin discussions on transitioning MONA and the ethnic commissions (Hispanic Latino Commission, Asian and Pacific American Affairs Commission, Middle Eastern American Affairs Commission) to MDCR; for MDCR to prepare a summary regarding the ethnic commissions; and during meeting with Governor to discuss the creation of an African-American Commission.** Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Clayton) and supported (Commissioner Combs), the Motion was Approved.** *Motion carried by majority vote (5 Yea, 0 Nay, 1 Abstention).*

#### **COMMISSIONER COMMENT**

There was no Commissioner Comment.

#### **ADJOURNMENT**

**MOTION: Move to Adjourn. On Motion duly made (Commissioner Sakwa) and supported (Commissioner Clayton), the meeting of the Michigan Civil Rights Commission at 4:39 P.M. was Adjourned.** *Motion carried unanimously.*

Next meeting scheduled for March 25, 2019 in Lansing or Macomb County; location and time to be determined.

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Secretary

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Executive Director

## **MICHIGAN CIVIL RIGHTS COMMISSION MEETING**

Monday, March 25, 2019 - 1:00 P.M.

Lorenzo Cultural Center, Building K, Room K-130  
Macomb County Community College, 44575 Garfield  
Clinton Township, MI 48039

### **MINUTES**

PRESENT: Commission Chair Alma Wheeler Smith  
Commission Vice Chair Stacie Clayton  
Commission Secretary Laura Reyes Kopack  
Commissioner Ira Combs, Jr.  
Commissioner Rasha Demashkieh  
Commissioner Denise Yee Grim  
NEW COMMISSIONER Regina Gasco-Bentley

EXCUSED: Commissioner Jeffrey Sakwa

### **CALL TO ORDER / ROLL CALL**

The meeting was Called to Order at 1:09 p.m. by Chair Alma Wheeler Smith. Roll call of the Commissioners was taken to determine a quorum. Commission Chair Smith, Commissioner Clayton, Commissioner Kopack, Commissioner Grim, Commissioner Combs, Commissioner Demashkieh, Commissioner Gasco-Bentley. With seven of eight commissioners present, quorum requirements were met.

### **INVESTITURE OF NEW COMMISSIONER**

Regina Gasco-Bentley took the Oath of Office, sworn-in by Chair Alma Wheeler Smith.

### **APPROVAL OF MEETING AGENDA**

**MOTION: Move to Approve the Meeting Agenda.** Following discussion, the Motion was brought forth: **On Motion duly made (Commissioner Demashkieh) and supported (Commissioner Combs), the Agenda was Approved.** *Motion carried unanimously.*

### **ADOPTION OF CONSENT AGENDA**

**MOTION: To Amend Consent Agenda by removing Approval of Minutes, Executive Director Report, Enforcement Report, Hearing and Policy Report and Legal Affairs Report from Consent Agenda.** Following discussion, the Motion was brought forth: **On Motion duly made (Commission Demashkieh) and supported (Commissioner Kopack), the above reports were removed from the Consent Agenda.** *Motion carried unanimously.*

### **APPROVAL OF MINUTES FROM FEBRUARY 1, 2019 MEETING**

**MOTION: To Amend the Meeting Minutes by correctly listing the ethnic commission names on page 5 to reflect the Hispanic Latino Commission of Michigan, Asian Pacific American Affairs Commission and Commission on Middle Eastern American Affairs.** Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Combs) and supported (Commissioner Clayton), the Minutes were approved.** *Motion carried unanimously.*

## **PUBLIC COMMENT**

- Kimberly Grech brought concerns regarding the non-existence of a disability concern commission.
- Attorney Diana Marin brought concerns regarding minimum wage, sick time laws for migrant farmworkers.
- Attorney Anna Hill brought concerns regarding migrant farmworkers ability to obtain state identification cards so they can access essential public services.
- Attorney Kara Moberg brought concerns regarding migrant farmworkers in Michigan.
- Susan Pugh brought concerns regarding inequities in special education.
- Audra Fuentes brought concerns regarding migrant farmworker's lack of access to state identification cards.
- Lesly Morales shared their support for protections against discrimination of gender identity and sexual orientation.

*Public comment closed at 1:43 p.m.*

## **DIVISION REPORTS**

Executive Director Agustin Arbulu provided status updates on the Department's activity.

Lori Vinson, Director of Civil Rights Operations, Dan Levy, Director of Law and Policy, and Sylvia Elliott, Managing Attorney of the Office of Legal Affairs also provided updates on their Division's activities.

## **COMMISSION MATTERS**

- **ATTORNEY GENERAL REPORT**  
This agenda item was waived.
- **CHAIR REPORT**  
Commission Chair Smith discussed the next Education Hearing and asked about possible dates and locations. Director Arbulu suggested one more hearing from the perspective of People of Color or Special Needs students. Suggested dates were May 18, June 8 or June 15 in Wayne County. Next steps regarding a comprehensive report were discussed; Chair Smith indicated that sufficient testimony and materials have been received to begin a report, and if a gap is discovered with Communities of Color, the Commission can revisit the idea of a future hearing.

The matter regarding an additional Education hearing is tabled.

## **ONGOING BUSINESS**

Chair Smith stated the Commission received the Migrant and Seasonal Farm Worker (MSFW) Progress Report. Director Arbulu indicated that the Department has worked closely with the Interagency Migrant Service Committee (IMSC) and their subcommittees which generates this report annually. He indicated that Mariza Gamez-Garcia serves as the Department's MSFW Liaison and is tasked with attending all IMSC meetings. Director Arbulu introduced Dale Freeman, Chair of the IMSC to provide an update and request support for items relating to the living conditions and the status of MSFWs in Michigan. Mr. Freeman also serves as Director of Migrant Affairs with the Michigan Department of Health and Human Services and Chair of the IMSC. He indicated that not having state ID's available for MSFWs leaves them vulnerable to labor exploitation and trafficking because they are forced to rely on others to get to their jobs. He emphasized that the Agriculture

industry is the second largest economic sector in the State and it relies on MSFWs. Mr. Freeman shared statistics regarding language barriers between MSFWs and state agencies, lack of bilingual staff at state agencies, and the importance of communicating critical press releases in other languages. He also discussed MSFW housing and the discriminatory and overly restrictive ordinances on agricultural housing, and that single-gender housing is discriminatory under the Elliot Larsen Civil Rights Act. Mr. Freeman indicated that an updated enumeration study is needed to eliminate the speculation and conjecture regarding the current MSFW population, and further stated it would be an invaluable resource for allocation to state agencies as well as research, grant writing and other business purposes. It would improve access to health care benefits as well as additional services to farmworkers. The IMSC's Data Task Force has been laying the groundwork for this new study with an estimated cost of \$200,000. Mr. Freeman asked for MCRC to reaffirm support for the 2010 MSFW Report and the 15 recommendations, including fair housing and wages for all farmworkers, support for fair housing that does not discriminate against domestic workers and their families, and support of the issuance of an updated enumeration study.

**MOTION: To reaffirm support for the 2010 Farmworker Report and the 15 recommendations.** Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Combs) and supported (Commissioner Grim) that the Commission receives the March 2019 progress report on the 15 Recommendations submitted by the Interagency Migrant Services Committee (IMSC) and related to the Department's 2010 Report to the Commission on Conditions of MSFWs in Michigan; that the Commission acknowledges some significant progress in the areas identified in the update addressing the 15 Recommendations; that the Commission acknowledges that farmworkers continue to face challenges and therefore, reaffirms support for continued work by the IMSC and updates to the 15 Recommendations outlined in the March 2019 progress report, including achieving both fair housing and wages for all farmworkers; and that the Department continue providing support and resources to the IMSC and continue taking such other appropriate action to achieve effective and efficient program alignment to meet and address the updates addressed in the March 2019 progress report.** *Motion carried unanimously.*

**MOTION: To reaffirm support for migrant fair housing.** Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Combs) and supported (Commissioner Demashkieh) that the Civil Rights Commission reaffirm its commitment to assure that housing policy and practices in this state do not discriminate against domestic MSFWs and their families; that the Commission and Department, possibly jointly with other departments or agencies and particularly the Department of Agriculture and Rural Development (MDARD), notify municipalities that we take a firm stance against aggressive zoning policies or restrictive ordinances (such as single adult or single gendered housing) that discriminate based on familial status, age or other provisions under the ELCRA; that the Commission and Department, if possibly jointly with the MDARD, legal service agencies and other interested parties collaborate to overcome such existing policies and practices; and finally, that the Department, and where possible with others, undertake a campaign to put on notice municipalities, builders and growers interested in construction of migrant labor housing of potential discriminatory practices based on aggressive zoning policies or restrictive ordinances that results in construction of single-gendered housing at the expense of family housing.** *Motion carried unanimously.*

**MOTION: To reaffirm support for an updated Enumeration Profiles Study.** Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Kopack) and supported (Commissioner Clayton) that the Michigan Civil Rights**



**Commission views it essential that the MSFW Enumeration Profiles Study (“Enumeration Study”) be updated in order to inform both resource allocation by state agencies and research, grant writing, and business purposes by non-profit organizations, academia and the agricultural community; that the Commission directs the Department of Civil Rights to take all necessary steps to support that the Interagency Migrant Services Committee (IMSC) undertake the updating of the Enumeration Study as part of its 2019-2020 responsibilities; that the Department set aside at least \$75,000 to demonstrate our commitment to this study update and to continue updating at least every other year through 2030; and, that the Department encourage other departments, agencies and foundations engaged with the IMSC to make a match or provide funding proportionate with their budgets to update the Enumeration Study. *Motion carried unanimously.***

Tom Thornburg, a leading farmworker legal expert, discussed three requests of the Commission on different issues. He first indicated that the Commission should start thinking about panning resources for investigating and issuing a new decennial report for 2020, as this Commission was instrumental in assisting with the 2010 report. Request 1: To consider scheduling a hearing on the issue of conditions of farmworkers in Michigan in an area of the state where farmworkers and their service providers could participate, preferably on the West side of the State. He volunteered to consult with the Department on logistics. Request 2: To move the State Monitor Advocate from the Talent Investment Agency (TIA) to MDCR. He said housing it in TIA is an inherent conflict of interest. Request 3: For the Commission to make a request to the AG to reconsider AG Opinion 7301 regarding the minimum wage issue with farmworkers. Mr. Thornburg provided written information to the Commission and highlighted two points: 1) The AG opinion in question concluded and acknowledged that its construction of the law had the effect of leaving some employees without the right to a minimum hourly wage under either the State or Federal Minimum Wage Labor Act. 2) The federal act contains loopholes and does not cover Agriculture, whereas State law does cover Agriculture, and was meant to be a stop gap.

**MOTION: Request for AG to Reconsider AG Opinion 7301.** Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Demashkieh) and supported (Commissioner Combs), the Commission requests Attorney General Dana Nessel to reconsider AG Opinion 7301 and that we authorize Chair Smith, Vice-Chair Clayton, Commissioner Kopack and possibly one other commissioner to work with Director Arbulu, the Department’s legal/policy staff, the Assistant AG assigned to the Department, and Tom Thornburg to prepare a reflecting “The Solution” as developed in the issue documents included in the Commission’s background information for the 3/25/19 meeting and related documents submitted for consideration by the Commission, and send the completed letter to the AG on behalf of the Commission no later than April 12, 2019. *Motion carried unanimously.***

**MOTION: Request for Governor Whitmer to transfer the State Monitor Advocate from TIA to MDCR.** Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Demashkieh) and supported (Commissioner Kopack) that Governor Gretchen Whitmer transfer the functions and duties of the State Monitor Advocate (SMA) from the Talent Investment Agency (TIA) to the Department of Civil Rights (MDCR). The Commission authorizes Chair Smith to work with the director, the department’s legal/policy staff, and Tom Thornburg to prepare a letter to the Governor as developed in the information and documents provided to the Commission pertaining to the SMA functions and duties in preparation for the Commission’s March 25, 2019 meeting, along with related documents submitted for consideration to the Commission. The completed letter should be sent to the**

**Governor on behalf of the Commission no later than April 12, 2019.** *Motion carried unanimously.*

#### NEW BUSINESS

Discussion (raised by Chair Smith and Commissioner Kopack) regarding convening a future Commission meeting near MSFW housing to visit and assess living conditions, and to possibly convene a hearing.

Discussion of two new Agenda items for the June 3, 2019 meeting: 1) Commissioner Grim indicated under Recommendation #8 in the MSFW Progress Report, there was a comment regarding challenges with House Bills 4083 and 4090– the anti-sanctuary bills aimed to prohibit local government and law enforcement for limiting communication or cooperation with ICE would have a chilling effect on MSFWs. She requested that the Department prepare a statement on behalf of the Commission, comment or letter to oppose these House bills. 2) Commissioner Combs expressed interest in Director Arbulu's thoughts on the restoration of Executive Order 2009-40.

#### ADJOURNMENT

**On Motion duly made and supported, the meeting of the Michigan Civil Rights Commission adjourned at 3:36 p.m.** *Motion carried unanimously.*

The next meeting is scheduled for June 3, 2019.

## MICHIGAN CIVIL RIGHTS COMMISSION MEETING

Monday, June 3, 2019 - 1:00 P.M.  
MDCR Lansing Office  
110 W Michigan Avenue, Suite 800  
Lansing, MI 48933

### MINUTES

PRESENT: Commission Chair Alma Wheeler Smith  
Commission Vice Chair Stacie Clayton  
Commission Secretary Laura Reyes Kopack  
Commissioner Ira Combs, Jr.  
Commissioner Rasha Demashkieh  
Commissioner Denise Grim  
Commissioner Jeffrey Sakwa

EXCUSED: Commissioner Regina Gasco-Bentley

#### CALL TO ORDER / ROLL CALL

The meeting was Called to Order at 1:02 p.m. by Chair Alma Wheeler Smith. Roll call of the Commissioners was taken to determine a quorum. Commission Chair Smith, Commissioner Clayton, Commissioner Combs, Commissioner Demashkieh, Commissioner Kopack, Commissioner Grim, Commissioner Sakwa. With seven of eight commissioners present, quorum requirements were met.

#### APPROVAL OF MEETING AGENDA

**MOTION: Move to Approve the Meeting Agenda.** Following discussion, the Motion was brought forth: **On Motion duly made (Commissioner Demashkieh) and supported (Commissioner Combs), the Agenda was Approved.** *Motion carried unanimously.*

#### ADOPTION OF CONSENT AGENDA

**MOTION: Move to Amend Consent Agenda by removing Item 1: Public Affairs/Budget Report, Item 2: Legislative Liaison Report, and Item 3: ADA Compliance Report for a more in-depth discussion under Item 6 Division Reports.** Following discussion, the Motion was brought forth: **On Motion duly made (Commissioner Clayton) and supported (Commissioner Combs), the Consent Agenda was Amended.** *Motion carried unanimously.*

**MOTION: Move to Adopt the Amended Consent Agenda.** Following discussion, the Motion was brought forth: **On Motion duly made (Commissioner Combs) and supported (Commissioner Kopack), the Amended Consent Agenda was Adopted.** *Motion carried unanimously.*

#### APPROVAL OF MINUTES FROM MARCH 25, 2019 MEETING

**MOTION: Move to Approve the Meeting Minutes from March 25, 2019 as submitted.** Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Combs) and supported (Commissioner Demashkieh), the Minutes were Approved.** *Motion carried unanimously.*

## PUBLIC COMMENT

Martha Gonzalez-Cortes, VP of Community Investment, Kalamazoo Community Foundation  
Ms. Gonzalez-Cortes thanked the Commission for supporting an enumeration count/study for the State of Michigan; brought concerns about the 2020 Census counting the farmworker community in Michigan. She further explained that there are certain elements of enforcement that are tied to the population count of farmworkers in the U.S., as well as federal allocation that will be impacted by whether Michigan ends up with a farmworker count that ranks in the top five or top ten states in the country. Ms. Gonzalez-Cortes emphasized the importance of a decennial farmworker report, which would provide a foundational document that explains the reality of farmworkers and the challenges they face on the civil rights side.

Sestina Real, law clerk, Michigan Immigrant's Rights Center (MIRC), Ypsilanti  
Ms. Real indicated that MIRC is a statewide advocacy organization that represents undocumented farmworkers in cases involving wage theft, sexual harassment, discrimination, labor, trafficking, and other employment related issues. MIRC supports the Michigan Civil Rights Department's request to issue a 2020 Farmworker report on the conditions of Farmworkers. Ms. Real brought concerns regarding the H2A Program and submitted two reports to the Commission from Farmworker Justice: The H-2A Temporary Agricultural Guest Worker Program, An Inherently Flawed Program; No Way To Treat A Guest, Why the H-2A Agricultural Visa Program Fails U.S. and Foreign Workers.

Mariza Gamez-Garcia, Policy Advocacy and Civil Rights Subcommittee  
Ms. Gamez-Garcia thanked the Commission for its support of a new enumeration study and is now seeking the Commission's support for a new investigation and report on the conditions of Farmworkers in Michigan. Ms. Gamez-Garcia indicated that the Commission should hold Farmworker hearings in 2019 for a more complete review of the recommendations and stakeholder's input in order to issue a 10-year update to the 2010 report and to consider whether additional recommendations should be addressed in future reports.

Dale Freeman, Chair, Interagency Migrant Services Committee (IMSC) and Director of Migrant Affairs, MDHHS  
Mr. Freeman thanked the Commission for the actions taken on behalf of Farmworkers at the last Commission meeting as these actions help to set the course for needed changes expected in the coming years. Mr. Freeman also brought concerns regarding the need for a decennial report.

Sonjia Simpson-Gardner, Southfield, Private Citizen  
Ms. Simpson-Gardner brought concerns regarding a decade-long struggle with the Department of Insurance and Financial Services (DIFS) to re-obtain her originator mortgage license, advocating on her own behalf as well as other minorities. Her complaint of discrimination against OIFS was originally denied with the Department of Civil Rights but is currently under appeal. She brought this to the attention of the Commission because she believes the OIFS is receiving favorable treatment because it is a state entity.

Alexis Serazano, Summer Legal Intern, Farmworker Legal Services  
Mr. Serazano spoke on behalf of Farmworker Legal Services (FLS), indicating that due to the changes in employment practices and demographics of Farmworkers in Michigan since the Commission's 2010 investigation and report, an updated report will be helpful to identify the new challenges and conditions Farmworkers experience in Michigan, and allows service providers to better address those concerns. However, it is important that the Department and the Commission contribute the necessary time and resources to its investigation. FLS supports a

new investigation and report on the conditions of Farmworkers in Michigan that is conducted in collaboration with service providers and farmworker advocates and has the appropriate time and funding to ensure Farmworkers' participation.

*Public comment closed at 1:26 p.m.*

## DIVISION REPORTS

DIRECTOR'S REPORT, Agustin Arbulu - Director Arbulu provided status updates on the Department's activity.

PUBLIC AFFAIRS AND BUDGET REPORT, Mary Engelman - Deputy Director Engelman provided an update on the activity of the Public Affairs Division, as well as the status of the Department's budget.

LEGISLATIVE AFFAIRS REPORT, Lee Gonzales - Deputy Director Gonzales provided an update on Legislative Affairs.

ADA COMPLIANCE REPORT, Kim Woolridge - Ms. Woodridge provided an update on the activity of the ADA Compliance Unit.

## DEPARTMENT INITIATIVES UPDATES

*This Agenda Item was waived.*

## COMMISSION MATTERS

CHAIR REPORT, Alma Wheeler Smith

*Commission Chair Smith noted that she and Commissioner Sakwa attended the Staff service awards luncheon, commending MDCR Staff having served state government and reached five-year milestones (5 to 30+ years) of service.*

## COMMISSION COMMITTEE REPORTS

*This Agenda Item was waived.*

## ONGOING BUSINESS

Update on Report on Education / Civil Rights Hearings and Tentative Timelines, Director Arbulu  
*Director Arbulu indicated that the target date for a draft report is September 2019.*

Request by MDCR for Commission to issue a 2020 Farmworker Report as an update to the 2010 Commission Farmworker Report, Director Arbulu

**MOTION: Move that 1) the Commission recognizes that over ten years have lapsed since the Department of Civil Rights 2010 Report to the Commission on the conditions of Migrant and Seasonal Farmworkers in Michigan, referred to as the 2010 Farmworker Report was issued; 2) the Commission needs to update the 2010 Farmworker Report by holding a series of hearings between now and 2020 and document the current conditions of Migrant and Seasonal Farmworkers in Michigan; 3) Prepare and issue a 2020 report on the condition of Migrant and Seasonal Farmworkers.** Following discussion, **on Motion duly made (Commissioner Demashkieh) and supported (Commissioner Grim), the Motion to update the 2010 Commission Farmworker Report was Approved.** *Motion carried unanimously.*

## Update on Disability Issues – Director Arbulu, Ron Robinson and MDCR Staff

### Kimberly Grech Update / Summary

*A memo was prepared and distributed to the Commission.*

### Disability Issues Update

*Director Arbulu indicated that Disability ranks number two as basis for complaints of discrimination. Sylvia Elliott provided a historical background on the Department's work around Disability. Ron Robinson provided a historical background on the Department's work on K. Grech's resolved complaints.*

## NEW BUSINESS

Resolution: Honoring the Life of Judge Damon Jerome Keith, Commissioner Sakwa and Commissioner Clayton

Commissioner Sakwa and Commissioner Clayton read into the record the following Resolution in honor of the life of Judge Damon Jerome Keith:

**Whereas**, Judge Damon Jerome Keith was born in Detroit and remained committed to Detroit and Michigan throughout his life; and

**Whereas**, Judge Damon Jerome Keith was a committed advocate for civil rights throughout his entire life; and

**Whereas**, Judge Damon Jerome Keith spent a lifetime of service to his country and community which began when he enlisted in the U.S. Army where he would serve from 1943 to 1946 in an all-Black unit with white officers; and

**Whereas**, Judge Damon Jerome Keith in fighting against the injustice of segregation attended Howard University Law School and earned his law degree in 1949; and

**Whereas**, Judge Damon Jerome Keith returned to Detroit and eventually became a licensed attorney in the early 1950's, practiced law and earned a Master of Laws from Wayne State University Law School in 1956; and

**Whereas**, Judge Damon Jerome Keith, along with his co-chair Judge John Feikens, Judge Keith was the first to lead the newly created Michigan Civil Rights Commission in 1964, created under Michigan Constitution of 1963; and

**Whereas**, Judge Damon Jerome Keith was appointed in 1967 to the U.S. District Court for the Eastern District of Michigan and then elevated and appointed to the U.S. Court of Appeals for the Sixth Circuit in 1979 serving for 52 years on the bench; and

**Whereas**, Judge Damon Jerome Keith was a fierce advocate for using the law for social change; and

**Whereas**, Judge Damon Jerome Keith became one of the most influential Federal jurists of the 20th and 21st centuries, where "... his rulings in over 52 years on the bench had a profound impact on American life. His decisions ranged from prohibiting the Nixon administration from warrantless wiretapping in national security cases, to the integration of the Detroit Police Department and the Pontiac Public Schools"; and

**Whereas**, Judge Damon Jerome Keith leaves a lasting legacy of striving for equity, equality and social justice for Detroit, Michigan and the United States; now, therefore, be it

**Resolved**, that the Michigan Civil Rights Commission commemorates Judge Damon Jerome Keith's life and contributions to the state and beyond, and be it further

**Resolved**, the Commission recognizes Judge Damon Jerome Keith's legacy of service to civil rights and commitment to the American Justice System, and be it further

**Resolved**, that the Commission expresses its deepest condolences to the family of Judge Damon Jerome Keith, and be it further

**Resolved, that** on this 3<sup>rd</sup> day of June 2019, the Michigan Civil Rights Commission honors and recognizes, lauds and applauds the legacy of service Judge Damon Jerome Keith has left for all Michigan residents to follow.

**MOTION: To Adopt the Resolution honoring the life of Judge Damon Jerome Keith. On Motion duly made (Commissioner Sakwa) and supported (Commissioner Clayton), the Resolution was Adopted. Motion carried unanimously.**

Peter Hammer, Director of the Damon J. Keith Center for Civil Rights and Professor at Wayne State University Law School accepted a plaque and framed Resolutions on behalf of the Family and the School.

Update on Hearing and Visit to Migrant Camp, Director Arbulu

*Director Arbulu indicated that the next Commission meeting is scheduled for July 22, 2019. Chair Smith proposed that the Commission instead convene a hearing and migrant camp visit on the West side of the state on July 22, 2019, then reschedule the next business meeting at a later date to be determined. Director Arbulu proposed the hearing convene from 3:30-6:30 p.m., then there would be a follow up visit at one camp site.*

**MOTION: Move that the Commission convene a hearing on the next meeting date of July 22, 2019 (Kopack / Combs), postponing the business meeting to a later date. Following discussion, on Motion duly made (Commissioner Kopack) and supported (Commissioner Combs), the Commission will convene a hearing on July 22, 2019 at 3:30 p.m. and will postpone the business meeting to a date to be determined. Motion carried unanimously.**

Updates on Accessible, Fair and Affordable Housing, including Zoning and SOI in Michigan

Laurel Burchfield, Michigan Coalition Against Homelessness – Ms. Burchfield spoke on Source of Income Discrimination in the State of Michigan.

Nancy Haynes, Fair Housing Center of West Michigan – Ms. Haynes spoke on Source of Income Discrimination; Race, Disability and Familial Status complaints in housing; Zoning cases.

June Manning Thomas, Professor of Urban Planning, University of Michigan – Ms. Thomas recommended that the Commission hold additional educational sessions to learn more about housing discrimination in Michigan; provided background on Exclusionary Zoning and its impact today.

Peter Hammer, Director of the Damon J. Keith Center for Civil Rights and Professor at Wayne State University Law School offered comments on structural inequality and structural racism relative to wealth disparities and housing.

**MOTION: Move to establish an advisory committee to the Commission to begin the process and research of exchange of information, and also to start making recommendations to the Commission on how these issues can be addressed. On Motion**

**duly made (Commissioner Kopack) and supported (Commissioner Clayton), an advisory committee will be established. Motion carried unanimously.**

Chair Smith tasked Commissioner Kopack with recruiting volunteers for the advisory committee, and indicated to the audience if anyone has an interest in participating on the committee to please let her know.

#### Scheduling of Next Commission Meeting

*Since the Commission will convene on July 22, 2019 for the Migrant and Seasonal Farm Workers Hearing, a new meeting date must be established. Chair Smith proposed that a new date be selected in August 2019, will send possible dates via e-mail. The meeting location will be Detroit.*

#### COMMISSIONER COMMENT

*There was no Commissioner Comment.*

#### NEW BUSINESS

**MOTION: Move to prepare a resolution for Mel Larsen honoring his work on the Elliott-Larsen Civil Rights Act. On Motion duly made (Commissioner Sakwa) and supported (Commissioner Kopack), a Resolution for Mel Larsen will be prepared. Motion carried unanimously.**

#### ATTORNEY GENERAL UPDATE, Ron Robinson

Mr. Robinson provided an update on the ***State of Michigan v. M. Mason*** case. Chair Smith requested that Mr. Robinson prepare a summary of the facts behind the case. Commissioner Kopack requested a copy of the property appraisal.

**MOTION: Move that the Board meet in Closed Session according to Section 8e of the Open Meetings Act to consult with the Commission Attorney regarding the trial strategy in connection with *AFLAC v. MDCR*. On Motion duly made (Commissioner Kopack) and supported (Commissioner Sakwa), the Closed Session was Approved. Motion carried unanimously.**

CLOSED SESSION (4:30-4:36) – no action taken by the Commission

**MOTION: Move that the Board return to Open Session. On Motion duly made (Commissioner Demashkieh) and supported (Commissioner Grim). Motion carried unanimously.**

#### ADJOURNMENT

**MOTION: Move to Adjourn. On Motion duly made (Commissioner Sakwa) and supported (Commissioner Combs), the meeting of the Michigan Civil Rights Commission Adjourned at 4:40 p.m. Motion carried unanimously.**

The next convening of the Commission will be a hearing scheduled for July 22, 2019 on the West side of the State.



*Minutes Approved as submitted at the August 27, 2019 Commission Meeting.*

## MICHIGAN CIVIL RIGHTS COMMISSION SPECIAL MEETING

Monday, July 29, 2019 - 5:00 P.M.

MDCR Detroit Office

3054 West Grand Boulevard, Suite 3-600

Detroit, MI 48202

### MINUTES

PRESENT: Commission Chair Alma Wheeler Smith  
Commission Vice Chair Stacie Clayton  
Commission Secretary Laura Reyes Kopack  
Commissioner Regina Gasco-Bentley (VIA PHONE)  
Commissioner Ira Combs, Jr.  
Commissioner Rasha Demashkieh  
Commissioner Denise Grim  
Commissioner Jeffrey Sakwa

#### CALL TO ORDER / ROLL CALL

The meeting was Called to Order at 5:03 P.M. by Chair Alma Wheeler Smith. Roll call of the Commissioners was taken to determine a quorum. Commission Chair Smith, Commissioner Clayton, Commissioner Kopack, Commissioner Gasco-Bentley (VIA PHONE), Commissioner Combs, Commissioner Demashkieh, Commissioner Grim, Commissioner Sakwa. With seven of eight commissioners present, quorum requirements were met; voting rights are waived for commissioners meeting via telecommunication, but they can participate in discussions.

Chair Smith indicated that this special meeting was called for the purpose of considering a personnel matter.

#### PUBLIC COMMENT

There was no Public Comment.

#### REQUEST FOR CLOSED SESSION

Director Arbulu requested that his statement be made in Closed Session, in accordance with the Open Meetings Act, Section 8a. **MOTION: Move to Closed Session. On Motion duly made (Commissioner Combs) and supported (Commissioner Kopack), the Request for Closed Session was Approved. Closed Session will be attended by the Commission, the Commission attorneys, Director Agustin Arbulu and his attorney.**

#### ROLL CALL VOTE FOR CLOSED SESSION

**Commissioner Clayton – Y**  
**Commissioner Combs – Y**  
**Commissioner Demashkieh – Y**  
**Commissioner Grim – Y**  
**Commissioner Kopack – Y**  
**Commissioner Sakwa – Y**  
**Commissioner Chair Smith – Y**

*Motion carried unanimously.*

*Closed Session attendees exited the meeting room for Closed Session at 5:09 P.M.*

*Closed Session attendees returned to the meeting room for Open Session at 7:36 P.M.*

**MOTION: To resume Open Session. On Motion duly made (Commissioner Kopack) and supported (Commisisoner Combs), the commission resumed Open Session. Motion carried unanimously.**

Chair Smith:

*"The commission met in closed session. All eight commissioners were in the discussion for the closed session, also joined by two attorneys: assistant attorney general Ron Robinson, Jean Marie Miller who is an employment specialist, and Dan Levy who is the law and policy director for the department. The commission, following deliberation in closed session, we have determined that while the conduct of which the director was accused did not violate the law, his behavior fell short of the conduct the commission expects of its director. The commission has determined that a formal reprimand will be placed in the director's file, and that he shall submit to a training and mentorship program to be approved by the Chair and completed before the end of the year. During that training period, the director shall not conduct internal or external training sessions for other public or private entities. I would entertain a Motion to that affect."*

**MOTION: Move that a formal reprimand be placed in the director's file, and that he shall submit to a training and mentorship program to be approved by the Chair and completed before the end of the year. During that training period, the director shall not conduct internal or external training sessions for other public or private entities. On Motion duly made (Commissioner Combs) and supported (Commissioner Kopack), the action of the commission was approved.**

ROLL CALL VOTE FOR ACTION OF THE COMMISSION

**Commissioner Clayton – Y**  
**Commissioner Combs – Y**  
**Commissioner Demashkieh – Y**  
**Commissioner Grim – Y**  
**Commissioner Kopack – Y**  
**Commissioner Sakwa – Y**  
**Commissioner Chair Smith – Y**

*Motion carried unanimously.*

ADJOURNMENT

*The special meeting adjourned at 7:40 P.M.*

*Minutes Approved as submitted at the August 27, 2019 Commission Meeting.*

## MICHIGAN CIVIL RIGHTS COMMISSION MEETING

Tuesday, August 27, 2019 - 2:00 P.M.  
MDCR Detroit Office, Cadillac Place Building  
3054 W Grand Blvd., Suite L-150  
Detroit, MI 48202

### MINUTES

PRESENT: Commission Chair Alma Wheeler Smith  
Commission Vice Chair Stacie Clayton  
Commission Secretary Laura Reyes Kopack  
Commissioner Ira Combs, Jr. (arrived at 2:30 p.m., excused at 5:38 p.m.)  
Commissioner Rasha Demashkieh  
Commissioner Regina Gasco-Bentley  
Commissioner Denise Grim  
Commissioner Jeffrey Sakwa

#### CALL TO ORDER / ROLL CALL

The meeting was Called to Order at 2:07 p.m. by Chair Alma Wheeler Smith. Roll call of the Commissioners was taken to determine a quorum. Commission Chair Smith, Commissioner Clayton, Commissioner Demashkieh, Commissioner Gasco-Bentley, Commissioner Grim, Commissioner Kopack, Commissioner Sakwa. With seven of eight commissioners present, quorum requirements were met. (Commissioner Combs joined the meeting later.)

#### APPROVAL OF MEETING AGENDA

**MOTION: Move to Approve the Meeting Agenda with the following Amendments: Amend to 1) take Item 11 at 3:30 p.m., and 2) add Consider compensation of Acting Director under Item 10.** Following discussion, the Motion was brought forth: **On Motion duly made (Commissioner Clayton) and supported (Commissioner Demashkieh), the Amended Meeting Agenda was Approved.** *Motion carried unanimously.*

#### ADOPTION OF CONSENT AGENDA

**\*MOTION: Move to Adopt the Consent Agenda as submitted.** Following discussion, the Motion was brought forth: **On Motion duly made and supported (Commissioner Demashkieh), the Consent Agenda was Adopted.** *Motion carried unanimously.*

#### APPROVAL OF MINUTES FROM JUNE 3, 2019 MEETING AND JULY 29, 2019 SPECIAL MEETING

**MOTION: Move to Approve the Meeting Minutes from June 3, 2019 Meeting and July 29, 2019 Special Meeting as submitted.** Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Gasco-Bentley) and supported (Commissioner Grim), the Minutes were Approved.** *Motion carried unanimously.*

## PUBLIC COMMENT

Barbara Wynder  
Jesse Anguiano  
Jose Cuello  
Diana Rivera  
Elena Herrada  
Juan Marinez  
Rubin Martin  
Mary Carmen Munoz  
Jayne Collins  
Victoria McCCasey  
Jody White  
Chris Abood  
Enrique Rodriguez  
Martha Gonzalez-Cortes

*Public comment closed at 2:55 p.m.; comments to be transcribed and included in the official meeting record.*

## CORRESPONDENCE

Draft Response to Great Lakes Justice Center, Chair Smith

**MOTION: Move to Approve the draft response letter.** Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Demashkieh) and supported (Commissioner Combs), the response letter to the Great Lakes Justice Center was Approved.** *Motion carried unanimously. The letter will be finalized and sent immediately.*

## DIVISION REPORTS

**DIRECTOR'S REPORT**, Mary Engelman – In Director Arbulu's absence, Ms. Engelman provided status updates on the Department's activity.

**PUBLIC AFFAIRS AND BUDGET UPDATE**, Mary Engelman - Deputy Director Engelman provided an update on the activity of the Public Affairs Division, as well as the status of the Department's budget.

**ENFORCEMENT UPDATE**, Lori Vinson – Ms. Vinson provided an update on the Enforcement Division.

**COMMUNITY ENGAGEMENT UPDATE**, Anthony Lewis – Mr. Lewis provided an update on the Community Engagement Unit.

**RACIAL EQUITY UPDATE**, Alfredo Hernandez – Mr. Hernandez provided an update on the Department's racial equity trainings and initiatives.

**LEGISLATIVE AFFAIRS UPDATE**, Lee Gonzales - Deputy Director Gonzales provided an update on Legislative Affairs.

**DODDBHH UPDATE AND NOT WITHOUT US UPDATE**, Annie Urasky – Ms. Urasky provided an update on the Division On Deaf, Deaf Blind and Hard of Hearing.

**ADA COMPLIANCE REPORT**, Kim Woolridge - Ms. Woodridge provided an update on the activity of the ADA Compliance Unit.

## NEW BUSINESS

Presentation on the state of minority and women owned businesses seeking to do business with the State of Michigan.

- Dr. Ken Harris, President, National Business League
- Armando Ojeda, Executive Director, Michigan Hispanic Chamber of Commerce
- Jesse Venegas, Chair, MHCC Board of Directors
- Michelle Sourie Robinson, President and CEO, MMSDC

**MOTION: Move to receive the recommendations as presented by the business panel, and to work with them toward the outcomes of the recommendations.** Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Combs) and supported (Commissioner Sakwa), the Commission will receive the recommendations and work with the business panel toward the outcomes of the recommendations.** *Motion carried unanimously.*

Next steps include scheduling a meeting with the business panel and white paper recommendations.

\*State Representative Sherry Gay-Dagnono brought concerns regarding measurement reporting requirement of minority and women-owned businesses by DTMB, as data is not readily available; requested the Commission's support on a Resolution on vendor certification presented to the Legislature earlier today.

**MOTION: Move to Support State Representative Sherry Gay-Dagnono's Resolution.** Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Combs) and supported (Commissioner Clayton), the Commission Approved support of the proposed Resolution.** *Motion carried unanimously.*

## COMMISSION BUSINESS

Chair Report, Alma Wheeler Smith  
The Chair Report was waived.

Waiver of attorney-client privilege around the memorandum from the Attorney General to the Commission regarding the complaint against Director Arbulu, Commissioner Kopack

**MOTION: Move to Waive the attorney-client privilege issued for the special meeting on July 22, 2019 (should be July 29<sup>th</sup>) utilized by the Commission in making their decision regarding Director Arbulu's reprimand and ultimately the restorative justice plan with his employment at the Michigan Department of Civil Rights.** Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Kopack) and supported (Commissioner Grim), the attorney-client privilege was Waived; Chair Smith called for a Roll Call Vote:**

**Clayton – Y**  
**Demashkieh – Y**  
**Gasco-Bentley – Y**  
**Grim – Y**

**Kopack - Y**  
**Sakwa - Y**  
**Smith - Y**  
*Motion carried unanimously.*

*The memo was immediately uploaded to the MDCR website.*

Application for Leave for Appeal re: fair housing and disability law filing an Amicus Curiae Brief, Ron Robinson.

**MOTION: Move to File the Amicus Brief and whatever other timetables needed to meet responsibilities for the case.** Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Kopack) and supported (Commissioner Demashkieh), the Amicus Brief filing was Approved.** *Motion carried unanimously.*

Next Commission Meeting, September 23, 2019

Chair Smith indicated interest in convening a Hearing/Public Forum on Migrant and Seasonal Farm Workers following the September 23, 2019 Meeting. A time and location would be determined. Commissioner Demashkieh indicated she will be out of the country during this time; Commissioner Clayton indicated she may be out of town and unavailable to attend.

Reorganization of Commission and Department, Chair Smith

Chair Smith introduced a proposal to move the legislative and budget units under the Commission umbrella, as the Department has no role in legislative or policy aspects of civil rights.

**MOTION: Move to Table the reorganization item until the next meeting and more information is provided.** Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Sakwa) and supported (Commissioner Kopack), the reorganization item was Tabled until the next meeting.** *Motion carried unanimously.*

Commissioner Smith requested volunteers for a reorganization committee and a website update committee. Commissioner Grim volunteered for the website update committee and will work alongside Chair Smith.

## ONGOING BUSINESS

Contract Compliance Update, Sylvia Elliott – Ms. Elliott provided an update on Contract Compliance.

Attorney General Report/Update, Ron Robinson – Mr. Robinson provided an update on the case, ***State of Michigan v. M. Mason.***

Consideration of Acting Director Salary, Chair Smith

**MOTION: Move to make the acting director's salary the same as the current director's salary retroactive to her date of hire as acting director.** Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Clayton) and supported (Commissioner Gasco-Bentley), the acting director's salary will be adjusted from \$142,000 to \$159,000, and will be retroactive to her date of hire as acting director.** *Motion carried unanimously.*

## CLOSED SESSION

**MOTION: Move to Adjourn to Closed Session under Section 8h for the purpose of approving the minutes of July 29, 2019 and for review of the attorney general memo regarding permissive activities during the director's medical leave under Section 13 1h of the Freedom of Information Act.** Following discussion, the following

Motion was brought forth: **On Motion duly made (Commissioner Clayton) and supported (Commissioner Sakwa), the Commission approved Adjourning to Closed Session; Chair Smith called for a Roll Call Vote:**

**Clayton – Y  
Demashkieh – Y  
Gasco-Bentley – Y  
Grim – Y**

**Kopack - Y  
Sakwa - Y  
Smith - Y**  
*Motion carried unanimously.*

*The Commission Adjourned to Closed Session at 7:16 p.m.*

*The Meeting was re-called to order at 8:47 p.m.*

**MOTION: Move to Return to Open Session.** Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Demashkieh) and supported (Commissioner Grim), the Commission approved Returning to Open Session; Chair Smith called for a Roll Call Vote:**

**Clayton – Y  
Demashkieh – Y  
Gasco-Bentley – Y  
Grim – Y**

**Kopack - Y  
Sakwa - Y  
Smith - Y**  
*Motion carried unanimously.*

**MOTION: Move to Approve the Minutes of the Closed Session on July 29, 2019.** Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Grim) and supported (Commissioner Demashkieh), the Minutes were Approved.** *Motion carried unanimously.*

Attorney-Client Privilege Memo

**MOTION: Move to Dismiss the Director (terminate employment of...).** Following discussion, the following Motion was brought forth: **On Motion duly made (Commissioner Gasco-Bentley) and supported (Commissioner Clayton), the Commission Approved Dismissal of the Director; Chair Smith called for a Roll Call Vote:**

**Clayton – Y  
Demashkieh – Y  
Gasco-Bentley – Y  
Grim – Y**

**Kopack - N  
Sakwa - N  
Smith - Y**  
*Motion carried by majority vote of 5-2.*

#### COMMISSIONER COMMENT

There was no commissioner comment.

#### ADJOURNMENT

The meeting of the Michigan Civil Rights Commission was Adjourned at 8:55 p.m.

The next meeting will convene on September 23, 2019.



**MICHIGAN CIVIL RIGHTS COMMISSION  
SPECIAL MEETING**

Monday, October 14, 2019 ~ 5:00 P.M.  
Detroit Cadillac Place, 3<sup>rd</sup> Floor Grey Room  
3054 West Grand Boulevard, Suite 3-600  
Detroit, Michigan 48202

**MINUTES**

PRESENT: Commission Chair Alma Wheeler Smith  
Commission Vice-Chair Stacie Clayton  
Commission Secretary Laura Reyes Kopack  
Commissioner Ira Combs, Jr.  
Commissioner Rasha Demashkieh  
Commissioner Denise Grim

EXCUSED: Commissioner Regina Gasco-Bentley  
Commissioner Jeff Sakwa

*The special meeting of the Michigan Civil Rights Commission was called to order at 5:01 P.M. by Commission Chair Smith.*

I. CALL TO ORDER / ROLL CALL

Chair Smith called the meeting to order and took Roll Call of the Commissioners. Commissioner Clayton, Commissioner Combs, Commissioner Demashkieh, Commissioner Grim, Commissioner Kopack, Commissioner Smith. With six of eight commissioners present, a quorum is established.

II. APPROVAL OF MEETING AGENDA

**MOTION: Move to Approve the Meeting Agenda as submitted.**

**On Motion duly made (Commissioner Combs) and supported (Commissioner Demashkieh), the Meeting Agenda was approved as submitted.** *Motion carried unanimously.*

III. INDIGENOUS PEOPLES DAY

Chair Smith indicated that October 14<sup>th</sup> has been declared Indigenous Peoples Day by State of Michigan Governor Gretchen Whitmer. The name was changed from Columbus Day.

IV. PUBLIC COMMENT

There was no public comment.

V. SALARY ADJUSTMENT FOR DEPUTY DIRECTOR

**MOTION: Move to Propose a salary adjustment of \$7,620.00 to Deputy Director Engelman's current base salary of \$142,800 for a new base salary of \$150,420 effective October 1, 2019. Be it further proposed that the 2% annual**

**raise is budgeted for unclassified positions in the 2019-2020 fiscal year be calculated on the new \$150,000 base salary.**

**Following discussion, on Motion duly made (Commissioner Combs) and supported (Commissioner Demashkieh), the salary adjustment recommendations were accepted. *Motion carried unanimously.***

VI. CONSIDERATION OF INTERIM DIRECTOR

Mary Engelman, Acting Executive Director and Sylvia Elliott, Managing Attorney of the Office of Legal Affairs spoke out on why they were interested in the Interim Director position.

Votes for Engelman: 3 (Smith, Grim, Combs)

Votes for Elliott: 3 (Clayton, Kopack, Demashkieh)

**MOTION: Move to Suspend the vote and table the decision on the Interim Director until the November 18<sup>th</sup> meeting. Following discussion, on Motion duly made (Commissioner Combs) and supported (Commissioner Kopack), this agenda item was tabled. *Motion carried unanimously.***

*Commissioner Combs was excused for the remainder of the meeting at 6:54 p.m.*

VII. DISCUSSION OF SEARCH PROCESS

The Commission will initially work with HR on the search for a new Executive Director; other options will be utilized if needed.

VIII. SEARCH COMMITTEE MAKEUP

The Search Committee volunteers are Chair Smith, Vice-Chair Clayton, Commissioner Grim, and possibly Commissioner Combs.

IX. EXECUTIVE DIRECTOR SEARCH

Dan Levy and other MDCR Staff will provide the Committee with possible job descriptions to be used for the job posting; the Search Committee will meet the week of October 28<sup>th</sup>; the salary range will be proposed by the Search Committee to the Commission as a whole.

X. ADJOURNMENT

**MOTION: Move to Adjourn. On Motion duly made (Commissioner Grim) and supported (Commissioner Kopack), the meeting was Adjourned. *Motion carried unanimously.***

*The special meeting of the Michigan Civil Rights Commission adjourned at 7:47 p.m.*

**MICHIGAN CIVIL RIGHTS COMMISSION MEETING**

Monday, November 18, 2019 - 5:00 P.M.  
MDCR Detroit Office, Cadillac Place Building  
3054 W Grand Blvd., Suite 3-652  
Detroit, MI 48202

**MINUTES**

PRESENT: Commission Chair Alma Wheeler Smith  
Commission Vice Chair Stacie Clayton  
Commission Secretary Laura Reyes Kopack  
Commissioner Ira Combs, Jr.  
Commissioner Rasha Demashkieh  
Commissioner Regina Gasco-Bentley  
Commissioner Denise Grim  
Commissioner Jeffrey Sakwa

CALL TO ORDER / ROLL CALL

The meeting of the Michigan Civil Rights Commission was called to order by Chair Smith at 5:07 p.m. Roll Call of the Commissioners was taken to determine a quorum. Commissioner Clayton, Commissioner Combs, Commissioner Demashkieh, Commissioner Grim, Commissioner Gasco-Bentley, Commissioner Kopack, Commissioner Sakwa, Commissioner Smith. With all Commissioners present, quorum requirements were met.

APPROVAL OF MEETING AGENDA

**MOTION: Move to Amend the Meeting Agenda, moving the AAG Presentation from Agenda Item 10 to follow Agenda Item 5 Public Comment.** Following discussion, **on Motion duly made (Combs) and supported (Sakwa), the Amended Agenda was Approved.** *Motion carried unanimously.*

ADOPTION OF CONSENT AGENDA

**MOTION: Move to Adopt the Consent Agenda as submitted.** Following discussion, **on Motion duly made (Combs) and supported (Demashkieh), the Consent Agenda was Adopted.** *Motion carried unanimously.*

APPROVAL OF MINUTES

**MOTION: Move to Approve the Meeting Minutes for meetings on August 27, 2019, October 14, 2019; Strike Minutes from September 23, 2019 due to meeting cancellation.** Following discussion, **on Motion duly made (Combs) and supported (Clayton), the Minutes from the August 27, 2019 and October 14, 2019 were Approved as submitted.** *Motion carried unanimously.*

PUBLIC COMMENT (5:46-17:26)

Dale Freeman, Migrant Affairs Director  
Michigan Department of Health and Human Services  
Mr. Freeman brought concerns regarding driver's licenses for the Undocumented.

Robin Schneider, Executive Director  
Michigan Cannabis Industry Association  
Ms. Schneider brought concerns regarding social equity.

Anquetette Sarfoh, Director of the Board  
Michigan Cannabis Industry Association  
Ms. Sarfoh brought concerns regarding social equity.

Kamilah Landrum, Executive Director  
Detroit Branch NAACP  
Ms. Landrum formally introduced the new Detroit Branch NAACP leadership, including Chui Karega and Heaster Wheeler.

PRESENTATION ON THE ATTORNEY GENERAL'S ELDER ABUSE TASK FORCE –  
Assistant Attorney General Kristin Stinedurf

DIVISION REPORTS

EXECUTIVE DIRECTOR REPORT, Mary Engelman (Acting)

Chair Smith Recommended adding MSFW Hearings and Camp Visits to the next agenda under the "Organizational Meetings" item.

Enumeration study funding increased from \$185,000 to \$220,000.

Next (third) draft of Education Report to be submitted to Commissioners by second week of December 2019.

**MOTION: To consider a Resolution on Education as a Civil Right.**

*RESOLUTION: While the Michigan Civil Rights Commission is continuing to develop conclusions and recommendations for our report on "Education Equity in Michigan", we have determined it is appropriate for us to release this draft excerpt from the report at this time. We do so because the question of whether education should be considered a civil right is hotly contested, so much so that it is at the root of present appellate litigation arising from a case involving the Detroit Public Schools. We believe this issue is of enormous importance, and one on which we need to be heard now, rather than in two to four months when the full report will be final and available to the public. We therefore resolve that the Michigan Civil Rights Commission finds public education to be a civil rights issue, and a minimally effective education to be a civil right. We further resolve to adopt and make publicly available the attached excerpt from the draft of what will be our report on "Education Equity in Michigan."*

Following discussion, **on Motion duly made (Kopack) and supported (Combs), the Resolution was Adopted.** Motion carried unanimously.

Draft of Annual Report to be submitted to the Commission by end of November 2019.

**MOTION: To Adopt Resolution on Michigan driver's licenses.**

*RESOLVED: The Michigan Civil Rights Commission reaffirms its support for legislation providing Michigan driver's licenses and official state ID that are not REAL ID compliant to persons without regard to their immigration status.*

Following discussion, **on Motion duly made (Kopack) and supported (Demashkieh), the Resolution was Adopted.** *Motion carried by majority vote of 6-1-1.*

Yea – Clayton, Demashkieh, Gasco-Bentley, Grim, Kopack, Smith  
Nay - Sakwa  
Abstain – Combs

COMMISSION BUSINESS

Take Administrative Rules Revision Process Off the Table

**MOTION: To Reinstate the Commission's Administrative Rules Revision process; to Take the Administrative Rules process off the table and recommence our update.** Following discussion, **on Motion duly made (Clayton) and supported (Demashkieh), the Administrative Rules Revision process was Approved.** *Motion carried unanimously.*

Executive Director Search Process

**MOTION: To Approve the Executive Director job description.** Following discussion, **on Motion duly made (Demashkieh) and supported (Combs), the Executive Director job description was Approved.** *Motion carried unanimously.*

**MOTION: To Approve additional language on the Executive Director's responsibilities in their interface with EEOC.** Following discussion, **on Motion duly made (Sakwa) and supported (Bentley), the additional language was Approved.** *Motion carried unanimously.*

**MOTION: To Approve posting the Executive Director position for 4 weeks.** Following discussion, **on Motion duly made (Combs) and supported (Sakwa), the Commission Approved the four-week posting for the Executive Director position.** *Motion carried unanimously.*

**MOTION: Move to Act as a committee of the whole, personnel will do the initial screening to ensure all of the candidates meet the criteria, then the Commission will be given the resumes with a template to be scored, we will collate, a deadline will be determined.** Following discussion, **on Motion duly made (Combs) and supported (Clayton), the Motion was Approved.** *Motion carried unanimously.*

## Interim Director Selection

**MOTION: Move to Name Mary Engelman as the interim director of the Michigan Department of Civil Rights.** Following discussion, on Motion duly made (Combs) and supported (Clayton), the Commission Approved Mary Engelman as interim director. *Motion carried unanimously.*

2:56:04 – Commissioner Combs was excused from the meeting, quorum remained intact, all voting actions moving forward included only 7 votes.

**MOTION: Move to Appoint Sylvia Elliott as special advisor to the Michigan Civil Rights Commission.** Following discussion, on Motion duly made (Sakwa) and supported (Combs), the Commission Approved the appointment of Sylvia Elliott as special advisor to the Commission. *Motion carried unanimously.*

## 2020 Proposed Commission Meeting Schedule

The following meeting schedule and working sessions schedule were proposed:

### Regular Meetings

January 27, 2020  
March 23, 2020  
June 1, 2020  
July 27, 2020  
September 28, 2020  
November 23, 2020

### Working Sessions

February 24, 2020  
April 27, 2020  
June 29, 2020  
August 24, 2020  
October 26, 2020  
No session for December

**MOTION: Move to Approve an eleven-month working calendar.** Following discussion, on Motion duly made (Clayton) and supported (Grim), the 2020 Commission meeting schedule was Approved.

*Motion carried by majority vote (5-1-1)*

Yea: (5)

Nay: (1)

Abstain: Demashkieh

## Scheduling of 2020 Commission Educational Retreat

A date will be determined once new Commissioner(s) are appointed. Commissioner Demashkieh indicated that she will not be returning, as her term expires December 31, 2019.

## Selection of Nominating Committee for 2020 Officers

**MOTION: Move to Name a Nominating Committee.**

Following discussion, on Motion duly made (Demashkieh) and supported (Kopack), the Commission Approved naming a Nominating Committee. Upon further discussion, the Commission decided to wait until January to name a Nominating Committee.

**Motion Withdrawn by Commissioner Demashkieh; Support Withdrawn by Commissioner Kopack.**

*Ron Robinson reminded the Commission that Commission Rules state Election of Officers occurs in January of each new year, and recommended that the Commission move forward with naming a Nominating Committee.*

**MOTION: Move to Name a Nominating Committee.**

Following discussion, **on Motion duly made (Demashkieh) and supported (Kopack), the Commission Approved naming to the Nominating Committee Commissioner Clayton as Chair, Commissioner Demashkieh and Commissioner Sakwa.** *Motion carried unanimously.*

Commission Committee Reports

There were no Commission Committee reports.

ONGOING BUSINESS

Sylvia Elliott provided an update on Contract Compliance.

Ron Robinson provided an update on the Literacy lawsuit.

NEW BUSINESS

There was no New Business.

COMMISSIONER COMMENT

Commissioner Demashkieh provided brief comments regarding her experience serving on the Commission for eight years; her second term expires December 31, 2019. Commissioner Kopack and Chair Smith thanked Commissioner Demashkieh for her years of service.

ADJOURNMENT

Meeting Adjourned at 8:46 p.m. The next meeting of the Michigan Civil Rights Commission is scheduled for January 27, 2020.