

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 3rd 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.