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November 20, 2009
Board of Commissioner's Meeting and
Annual Report Release
Minutes

Commissioner's Present:

Commissioner Blalock
Commissioner Cocke
Commissioner Davis
Commissioner Garrett
Commissioner Hewitt
Commissioner Jones
Commissioner Miller
Commissioner McDaniel
Commissioner Osborne
Chair Pierce
Commissioner Starling
Commissioner Wiggins
Commissioner Wurzburg

Commissioner's Absent:

Commissioner Pride
Commissioner Walker

Staff Present:

Beverly Watts, Executive Director
Tiffany Baker Cox, Deputy Director
James Davis, Housing Director
Shalini Rose, General Counsel
Marcus Thomas, Director, Title VI Compliance
Lisa Lancaster, Executive Assistant

Guests:

Matthew Stephenson, THRC
Billie Jean Haddock, THRC
Kaleda Bentley, THRC
Thierno Bah, THRC
Bobbie Porter, THRC
Kimyona Hix, THRC
Bruce Balcom, THDA
Rev. Brian Kesler, Church of Scientology
Julie Forney, Church of Scientology

Cynthia Owsley
Demetria Kalodimos, WSMV
Turner McCullough, Jr.
Kevin Johnson
Dr. James Cossingham
Paulette Coleman
Kelvin Jones, MHRC
Costin Shamble, TDEC
Enoch Van Hagans, Title VI Action Committee
Terry Spellman, Title VI Action Committee
Iris Hagans, Owner, Unsigned Artist
Allen Staley, SSS
Lethia Mann, Nashville Minority Business Center/NAACP
Robert Rice, First Acceptance Corporation

Call to Order

Chair Pierce called the meeting to order at 9:00 a.m. and announced that December 10th there will be a celebration of the 61st Anniversary of the International Foundation for Human Rights Declaration. She asked that the board members embrace and respect the human rights of others and noted that there is still much work for this commission and its staff to do and asked that we take a moment of silence to reflect.

Roll call was taken. Chair Pierce noted that all visitors need to sign the guest list and guests wishing to speak will be allowed to do so at the end of the meeting.

Annual Report Release

Executive Director, Beverly Watts reported on the July 1, 2008 to June 30, 2009 time period and noted that the website address is attached to the agenda for those wishing to read the report in its entirety. THRC staff were acknowledged and thanked including those on the phone from Memphis, Knoxville, and Chattanooga. The Commissioner's were also thanked for their work, support, and encouragement.

We wanted to find out when and where we started so we did a little historical research and what we found out was that we started as the TN Human Relations Commission by Executive Order of Gov. Frank Clement in 1963. This means that we have had three names, including the Commission of Human Development and then the TN Human Rights Commission. We were given enforcement authority in 1978 and staff has grown from 2 staff to the current 30. We found out that 2 of our current Commissioners, Pierce and Wurzburg have history with the agency. Commissioner Pierce worked for the agency and Commissioner Wurzburg helped to write the original legislation.

It was noted that the Report can be found on the website and as a cost saving measure no copies were printed but CD's were given to Commissioner's and would be made available to others who request them. Also a hard copy is available to review in the notebooks being passed around the room.

We decided to find out how many people were contacting us for help. About 12,000 calls were answered by the three Customer Service staff in the Nashville office. What we found were a lot of people had a lot of issues and questions and some of them were employers

but many of them were people trying to determine whether or not discrimination had occurred and whether or not they wanted to file complaints.

It was decided that we would reinstitute the Mediation program which we know generates great benefits. In January of 2009 the program was restarted after 9 staff members received Rule 31 training. From January to June mediation benefits to complainants totaled \$94,000. Mediation is offered to all who file complaints during the intake process up to 45 days after they file. Tiffany Baker Cox is in charge of the program and she will speak about it during her report later.

In employment from the information and calls that were received 976 were inquiries from people who thought there was discrimination and took the action of filing paperwork with us for alleged discrimination. Not all allegations rise to the standard necessary to file complaints and not all individuals follow through on filing paperwork but 577 complaints were filed of which 517 were dual filed with EEOC. Benefits received from employment cases totaled \$278,525. This was a result of settlements and conciliations. A total of 506 cases were closed and 466 of those were dual filed with EEOC. Employment cases are the largest number of complaints we receive.

In Housing we received 221 inquiries of which 145 were filed as complaints. Benefits totaled \$12,588 and we closed 122 cases. The benefit totals are monetary benefits and do not include the non-monetary benefits that are received such as updating personnel files, evaluations changed, letter of references and in Housing a revised lease agreement, repairs have been made or renters have been allowed to make changes to their space for disabilities.

Our legal staff consisting of two individuals conducts a review of all these cases in both housing and employment totaling 503 cases. They found cause in 6 of those and conciliated 5 cases. They provide legal advice to staff and review every investigative plan for employment that totals 577 per year.

The communications staff wanted to know who are we reaching and how are we doing it, how are people getting information about us? We found that our newly revised website received 444,000 hits. Through a variety of avenues we reached about 2 million people through 68 events; 4 editorials on topics of Hate Crimes, Voter Rights and THRC Operations written by Executive Director Beverly Watts and Commissioner Spencer Wiggins in the Tennessean Newspaper; advertising in the East Tennessee Black Pages; participation in THRC sponsored conferences including the Employment Law Seminar (75 attendees) and Fair Housing Matters Conference (150 attendees) which was attended by state agency officials, lawyers, human resource professionals and others interested in human rights laws and issues in Tennessee.

Executive Director Watts acknowledged Shared Services Solutions staff which assists us with financial and human resources issues and are part of our staff as well.

Commissioner Osborne made a motion to accept the Annual Report and it was seconded by Commissioner Hewitt. A vote was taken and passed.

Minutes of the September meeting were reviewed. Commissioner Miller made a motion to accept the minutes. Commissioner Davis seconded the motion. A vote was taken and passed.

Executive Director's Report

Executive Director, Beverly Watts reported on events that have taken place since the September Board Meeting which was held in Memphis at the State Conference of the NAACP. The most notable being the Budget hearing on Nov. 4th with Finance and Administration staff. She directed Commissioners to the budget documents in their notebooks and reported that the Budget and Audit Committee met prior to that hearing.

In September we reported that we had been asked to provide our recommendations for 6% and 3% budget cuts. It has become apparent that THRC will be required to take 9% cuts as will all agencies throughout state government. What this means for THRC are the loss of 2 positions. This will leave the budget for 2010-2011 at \$1,957,000. This will also include cuts in travel, advertising and other below the line items.

Allen Staley reported that the total cuts are \$155,700 at the 6% level and \$52,000 at the 3% level. Over the past two years total cuts have been approximately \$250,000 which includes two positions. Commissioner Starling asked about the 2 tier format. Mr. Staley reported that the sales tax collections were lower than projected and that 9% cuts were expected for all agencies held harmless for the current year budget. As the Governor holds daily budget hearings we are hearing more about layoffs and furloughs in some agencies.

Executive Director Watts also noted that changes are coming for our revenue streams from HUD and EEOC. HUD revenues will be affected due to aged cases where about \$1,000 per case less revenue is received for cases over 100 days old.

During the last legislative session a bill was passed that transferred Title VI functions of the state to THRC. Marcus Thomas joined our staff on November 2, 2009. He is an attorney and comes to us from TennCare. He is in the process of developing rules, policies and procedures and reviewing all state agencies to insure that they are in compliance. The Title VI Commission was abolished as of June 30, 2009.

One additional staff person that came on board about a week ago, Bobbie Porter, who will be a Special Assistant to the Executive Director and will assist with communications and will be responsible for developing the Annual Report next year and a newsletter in addition to establishing our communications strategies along with other communications team members, Kimyona Parker Hix and Francisco Guzman. Recognition was also made of Jay Santiago, our IT intern who assisted with compiling the Annual Report. He was thanked for his good work.

The state has begun a new leadership program called LEAD which will train people on core principles of leadership throughout state government. This group would be the next wave of leaders in the state as many of the current leaders will retire within the next few years. Nine staff members applied for the program and the agency was given 4 slots. Those chosen to participate were Shalini Rose, General Counsel, Tiffany Baker Cox,

Deputy Director, Matthew Stephenson, Nashville Regional Coordinator, and James Davis, Housing Director.

Chair Pierce and Executive Director Watts did a workshop on Sexual Harassment at the Women's Economic Summit in October as shown in the newsletter being passed around.

Commissioner Wurzburg made a motion to accept the Executive Directors report. Commissioner Jones seconded the motion. A vote was taken and passed.

Nominating Committee Report

Commissioner Wiggins reported that the Nominating Committee met on November 2, 2009 and offer the following recommendation for officers in 2010: Secretary, Stacey Garrett; West Division Vice Chair, David Cocke; East Division Vice Chair, Edwin Osborne; Middle Division Vice Chair, Karla Hewitt. Commissioner Miller seconded the recommendation. A vote was taken and passed.

Committee Assignments for 2010

Chair Pierce announced the Committee assignments for 2010. Law & Legislation Committee: Chair: Karla Hewitt (Middle Division); Ruby Miller (East Division); Ralph Davis (East Division); David Cocke (West Division); Dennis Blalock (West Division); A. J. Starling (Middle Division). Education & Outreach Committee: Chair: Jocelyn Wurzburg (West Division); Dennis Blalock (West Division); Ralph Davis (East Division); A. J. Starling (Middle Division); Spencer Wiggins (Middle Division); Paul McDaniel (East Division). Budget & Audit Committee: Chair: Edwin Osborne (East Division); Jocelyn Wurzburg (West Division); Spencer Wiggins (Middle Division); Nathan Pride (West Division); Stacey Garrett (Middle Division); Robert Jones (West Division); Ruby Miller (East Division).

Budget and Audit Committee Report

Commissioner Edwin Osborne reported that the Budget and Audit Committee met on October 23, 2009 and reviewed the proposed budget and cuts allowing 15 minutes for additional questions. It was noted that \$155,700 in additional cuts was likely. The committee authorized the submission of the proposed budget. Commissioner Wiggins made a motion to accept the Budget and Audit Committee report. Commissioner Blalock seconded the motion. A vote was taken and passed.

Employment Case Report

Deputy Director Tiffany Baker Cox explained that her primary duties were to manage the employment and public accommodation division and the mediation program. She introduced the regional coordinator for Nashville, Matthew Stephenson, and Investigators: Billie Jean Haddock, Kaleda Bentley and Regional coordinator for Chattanooga, Barbara Gardner. Not present but recognized were Linda Reed and Teresa Thompson in Memphis and Renee Smith in Chattanooga and the Intake staff in the Nashville office.

Deputy Cox announced that we are ahead of schedule with case closures for the first time since she has been with the agency. She reported on the timeframe September 1, 2009 through October 31, 2009 noting that 157 inquiries were received with 102 of those accepted; 92 were dual filed and 10 were THRC only. During the period 96 cases were closed with 84 being dual filed and 12 THRC only. The top three bases of complaints were

53% Title VII; 11% Title VII and ADEA and 8% Age. There were 5 mediations held of which 2 were successful and 3 resulted in impasse. There were 6 settlements and 14 closed mediations and 2 cases were caused that were conciliated netting benefits of \$88,564. No cases were caused during the reporting period and 15% of the closed cases were Administrative Closures due to failure to locate party or failure to cooperate with the investigation or request for a right to sue letter. The average case age was 359 days and 493 cases remain in inventory.

The top three counties complaints were received from in September were Davidson, Hamilton and Rutherford and for October, Knox, Davidson and Hamilton. The year to date comparison chart shows that inquiries are down 13% and charges accepted down by 11%. She noted that during the current year we have accepted 65% of inquiries which is up from last period when only 63% were accepted.

Mediation Month activities were updated by the chart included in the report. All 27 mediations are complete. There were 17 agreements reached resulting in \$44,975 in benefits which reflects a 68% settlement rate.

Goals for the upcoming year include revision of the staff policy manual as well as the policy and procedure manual for investigators. The Annual Staff Training day will be held on December 9th and the Employee of the Year will be announced. Employment staff will focus on improving case resolution timeframes.

Chair Pierce asked what the mediation rate is for EEOC. Deputy Cox reported that it was in the 60's. Commissioner Wurzburg asked how quickly staff addressed the follow-up for mediations that resulted in impasse. Deputy Cox responded that the respondents have 20 days to file a position statement and if they go to mediation they don't have to submit one. If the mediation fails they have 10 days to provide the position statement and when received the case is then assigned to an investigator. The cases involved in Mediation Month were old cases that were already in the investigative process.

Commissioner Wurzburg asked how many of the respondents had legal counsel. Deputy Cox noted that information is not being tracked but could easily be collected. Commissioner Starling noted his concern about the lack of cases and outreach in the Shelby county area of West Tennessee and commented that Shelby County must be a great place to live since there is not any discrimination taking place there. Deputy Cox noted that focus on more outreach in that area is being considered.

Commissioner Hewitt made a motion to accept the Employment report. Commissioner McDaniel seconded the motion. A vote was taken and passed.

Housing Case Report

James Davis, Housing Director reported the housing information for the period September 1, 2009 to October 31, 2009. There were 29 inquiries received with 25 being accepted; 39 cases were closed bringing the cumulative total to 50 closures. Of the cases closed this period, 18 counties were represented with Shelby county having the highest number of closures for the month of September and Davidson the leader in October. He noted that in the future the number of complaints accepted will be included in the report. It was reported that 5 cases were accepted from Shelby County, which reflects ¼ of the total cases

accepted for the period. Race and disability remain the top bases of complaints received. There are 77 cases in inventory with 4 additional cases in jurisdictional review.

There are currently 2 investigator positions vacant and a secretary position vacant. Director Davis introduced Richard Gadzepko and Kendra Smith the newest additions to the housing staff and recognition of part time housing investigators Frank Guzman, Barbara Gardner and Lind Reed.

He noted the chart that indicates that 39 cases have been closed in comparison to the same timeframe last year when only 14 cases were closed and the average case age has increased due to emphasis on closing aged cases. Cases in inventory are 50% aged cases over 100 days and 50% cases less than 100 days. 3 cases were conciliated resulting in benefits totaling \$9,444 in addition to other non monetary benefits such as permission to make modifications to living space to accommodate disabilities. Yearly comparison shows that monetary benefits have increased from \$6,512 last year to \$13,379 this year.

He noted that at the Performance Assessment performed by HUD annually in compliance with our Memorandum of Understanding which allows us to work for them and we receive payment for the cases we work. Payment is based upon how quickly we close the cases for example if closed within 100 days we receive full payment of \$2400 and as the case ages our payment decreases incrementally from 100 % to 90% to 80% to 60% to a discretionary amount determined by HUD.

We are focusing on closing aged cases to insure that we are giving good customer service but also we want to be sure that we maximize the revenue we receive. Executive Director Watts noted that our output has been impacted by the loss of 2 experienced investigators and we have asked for an extension of 60 days from HUD because we cannot meet their goals with 2 new investigators with less than 6 months on the job and 2 as yet unhired investigators. Housing closures are going to be limited because of staff inexperience. Our most experienced investigators are no longer with us. Shara Cross has returned to the non profit sector and Steve Moore was hired by HUD.

With assistance from legal in triaging all aged cases they have been successful in closing 41 aged cases or almost half of the aged case inventory since August. We believe that we can meet the goals with the added 60 day extension which will put us back on track to meet upcoming goals. We are also mandated by HUD to close 50% of the cases within 100 days and we are currently at just 23% closed in 100 days. Director Davis has identified 4 possible investigators to interview of which he will hopefully hire 2.

Commissioner Wiggins asked how much money was brought in by the housing division. Director Davis noted that since the Knoxville HUD office has lost 2 investigators and 1 supervisor, our revenue is now determined by the South Carolina HUD office and we have not received a review of cases turned in for closure. So there is not answer at this time. Commissioner Wiggins asked that the information be shared with the commission when available. Executive Director Watts reported that the process is that the review is done by South Carolina office and forwarded to the Louisville KY office for review and then to the DC office for a final review before a decision is made. She also noted that 40% of HUD

staff will be retiring this year and there are more federal money for state and local HUD offices and EEOC offices.

Commissioner Wurzburg asked what types of cases are submitted for investigation. Director Davis noted that we have received complaints from all 8 protected classes. One complaint was filed by the Commission against a newspaper for running ads for housing that states "no kids". This complaint was conciliated and the person placing the ad was asked why the ad was worded that way, he said that this is an adult community and we don't want children here. In rental situations often times respondents agree to conciliation because it is less of a strain on them to give the complainant what they want.

Director Davis was asked to provide a breakdown by bases in future reports to the Commission. Commissioner McDaniel asked if any complaints had been received against homeowners associations and rental issues. Director Davis noted that that was not a protected class and no cases of that nature had been filed here.

Commissioner Garrett made a motion to accept the housing report. Commissioner Starling seconded the motion. A vote was taken and passed.

Legal Report

General Counsel, Shay Rose introduced herself and explained that the legal department reviews housing and employment cases after the investigation is complete and the case is submitted with a recommendation from the investigator to determine if discrimination has occurred. She noted that legal also prosecute cases, monitor legislation, and make legal presentations at conferences and seminars.

During the September and October period in employment legal reviewed and closed 49 cases one of which was pre-cause which is still in review. 47 Investigative plans were reviewed for investigators. 6 reconsiderations were completed and 8 administrative closures, and 8 conciliations.

In housing, 40 cases were closed, 14 of those were administrative closures, 2 investigative plans reviewed. There are 2 pre-cause cases and 4 conciliations.

Ms. Rose noted that both legal staff have been out recently but are back and fully staffed. THRC is co-sponsoring with Human Resources, an attorney CLE training on January 7, 2010 and a seminar on February 17th for all state employees. The Employment Law Seminar that is hosted by THRC each year is tentatively scheduled for June 17, 2010.

A legislation update included the Federal Employment Non Discrimination Act which has been proposed since 1994 has support and may pass this year prohibits discrimination against employees based actual or perceived sexual orientation or gender identity. If passed it would apply to employers with 15 or more employees and would be enforced by the EEOC. If cases are received by THRC they would have to be transferred to EEOC as there is no state law equivalent to this law.

The employment cause case update included the disparate treatment based on race case out of Hamilton County which will be transferred to EEOC for arbitration. In Housing the one cause case which was failure to rent based on Familial status, went to hearing in

March and post-trial briefs were submitted in August and we expect to receive a ruling in 30 days. The Knox county case of failure to provide a wheelchair ramp and grab bars is waiting for the respondent to respond regarding the complainants offer and the offer to mediate.

Commissioner Osborne made a motion to accept the legal report. Commissioner Hewitt seconded the motion. A vote was taken and passed.

Outreach & Education

Executive Director Watts reported that during the period September 1 through October 31 there were 19 education and outreach events. Director Watts spoke at the SHRM conference which was attended by over 500 participants.

Frank Guzman spoke to 70 housing managers at a Realty meeting in October. He also answered 36 Hispanic calls, investigated housing complaints and worked as a communications staff.

There were two media inquiries during the period concerning the Title VI Commission. The Tennessean was asking about THRC operations and the new Title VI functions which was answered by the Executive Director. When the article appeared in the paper it was in error as it inferred that we were now the Title VI Commission. She explained that the new law does not allow for a Title VI Commission but moved the responsibility of management of Title VI to this agency.

We are in the process of developing Title VI rules and regulations over the next 120 days and should have the program up and running by early next year. We are also planning listening sessions in each grand division of the state and would like commissioners to be present. We would like commissioners to identify public affairs programs on local radio and television that commissioners and staff could appear on to talk about THRC. Talking points will be provided. Also identify groups and organizations that we could talk with in your local communities and what the current issues are that we can address.

Executive Director Watts noted that December 10th is International Human Rights Day. The celebration will be held at the Nashville Public Library beginning at 11:00 am. The public is invited to attend. The program will begin at 4:30 p.m. and various speakers will talk about the 31 Human Rights Articles for the U.N. Awards will be given to Fred Cloud and Inez Crutchfield who have long standing history in Nashville as it relates to Human Rights.

Also 2010 is the 50th Anniversary of the Sit-Ins in Nashville and a celebration is set for February 13th. I will share more information as it becomes available.

Commissioner Davis made a motion to accept the Communications report. Commissioner Garrett seconded the motion. A vote was taken and passed.

Public Comments

Enoch Hagans spoke about filing Title VI complaints in 1999 against the City of Clarksville and Montgomery County for being excluded from a public meeting regarding the use of Federal funds provided for use by the community block grant and social service block

grant and how the funds would be utilized within the community. When it was reported to state officials they were asked to file a Title VI complaint against the City of Clarksville who told them that they did not know what Title VI was or what it was about and no forms were available to file a complaint. The Department of Justice was called who recommended that they contact the state and file a complaint. Which they did and were told that it would be turned over to the Title VI Compliance Division. The 19 people spoke to John Birdsong and filled out more forms. He did an investigation and no response was ever received by complainant.

Because they filed those complaints they were retaliated against. People lost jobs, homes, they were blacklisted. The DOJ came for a meeting and saw the retaliation. People told them to withdraw the complaints, go away and be quiet. The complaints were never answered. The problems are still there and input from the community about the block grant plan is not wanted.

He wants to know who is in charge of Title VI. Jimmy Naifeh told him to come here and that you could solve the problems. He wants a letter that states that Mr. Birdsong could not handle the 155 complaints that were filed. The federal government provided a book about Title VI and its enforcement but no one has done anything about it. He spoke with John Morgan and asked for a copy of the annual reports. As far as eight years back there is no mention of the complaints we filed, nor are they mentioned in the Sunset report. Mr. Naifeh told him that was illegal. The state archives do not mention our complaints, no one can find them.

He wants a letter saying that THRC cannot answer our complaints or that there were no findings on the complaints filed so that he can take the next step.

Chair Pierce asked if he had copies of the complaints and would provide those to the Commission. He said he would talk to the core director and see if that was possible. Executive Director Watts spoke about the meeting she had with folks in Clarksville on October 1, 2009 when she asked for copies of complaints and indicated that if retaliation was ongoing that we would accept complaints of retaliation that are based on race, color, or national origin. Marcus Thomas is here and ready to meet with you today to take those complaints.

A report by the Justice Department that John Birdsong had and the Commission has a copy of it and should be able to give us a copy. Executive Director Watts has spoken with the U.S. DOJ and they do not have such a report. Mr. Hagan's says they have a letter concerning the report saying they can't release the report because they were in mediation with the city and when this was complete that the report would be released.

Where did all the complaints that John Birdsong have go? He was told by Rep. Joe Pitts that THRC would pick up where the old Title VI Commission left off and all the records would be forwarded. Executive Director Watts noted that if copies of the complaints are provided the commission will review them and will also talk to the DOJ again. We have testimony provided in September 2005. Chair Pierce stressed the importance of sharing the information available with the current staff so that it can be reviewed.

Iris Hagan spoke about moving to Clarksville believing that it was a good place to raise her children. She started Unsigned Artist Mix newspaper to share information with artists who were starting in the business. It was shut down. There is no Black Chamber of Commerce. Money was available to minority businesses for technical assistance and start up dollars she found out from a meeting with John Birdsong. Ten years ago she started the concept of having an internet page where people could go and click on photo and the artist's picture would come up similar to My Space. It was her concept but she did not have the technical, marketing and accounting assistance from Austin Peay State University to assist her that the chamber was supposed to provide.

I have my original Title VI complaint and it was never answered. You can have a copy but not the original. I was lied to and called a trouble maker and have accomplished what I have on my own. No monetary assistance was ever given. We were called the foreign blacks, the troublemakers. Chair Pierce thanked Ms. Hagan's for her input.

Kevin Johnson director of the Veterans Service Center in Clarksville TN spoke about his agency which assists traumatic brain injured veterans who are fighting the war on terror. He served 24 years in the military. He has expanded his assistance to include handicapped and blind individuals to assist them through the process of applying for and receiving benefits they qualify for. Over the past 2 years he has experienced veterans being evicted from HUD homes, disabled persons evicted from homes. He has tried to assist them by finding underutilized housing that could be provided to handicapped clients to no avail. He has tried to get recognition as a team care member only to be rejected and bounced around for technicalities. He has filed lawsuits regarding the Title VI issues, NAACP all of which were dismissed without prejudice. He has applied to become an attorney pro se.

He says he has been targeted and ostracized for his activities in the community. He states that he will be sending correspondence concerning the issues and asked the commission to be have an attentive ear to our pleas. Executive Director Watts asked if he planned to file a retaliation complaint. He noted that he may have to in light of retaliation that is ongoing. He has been denied access to Fort Campbell to do business.

Commissioner Starling asked why he was restricted from Fort Campbell. He answered that HUD had complained against him because his business practices. A HUD investigator came and visited with him for fraudulent activity. He receives no federal dollars; all of his ventures are out of pocket. He tried to get the HUD investigator to produce the findings of the investigation which he has never received. He thinks that Fort Campbell administrators have received some of that information and have taken administrative action against him to limit his ability to go on post and do business.

Turner McCullough Jr. who is a retired veteran of the US Army noted that his difficulties came about because he asked questions about the law. According to the Title VI Legal manual any citizen can ask to see the policy of Title VI and their training on Title VI. When he asked those questions he was threatened with arrest. He asked the Title VI Coordinator of the City of Clarksville about his training and he said he had none, there were no booklets explaining policy and no forms to file complaints on. He was told that if he did not leave the office he would be arrested. He then went to the county government office and

spoke with the Human resources director and asked the same questions and was told that if he did not leave in two minutes he would be arrested by a sheriff's deputy.

He is from South Carolina and served in the military for 18 + years and was made to feel like a third class citizen. He noted that the City of Clarksville city council has not adopted Title VI. They talk about it on their website but it has not been approved by the council either and they are in violation of the law because we receive federal dollars. He says that for 5 years they were told that their complaints were still valid. They were misled and now there is no commission. As a citizen of this country we are supposed to be respectful of the law and I live in a state that is blatantly defying the law. He was accosted by the grand dragon of the KKK on a city bus. He reported it to the Police department and the TBI and got no response to his complaints. He is not leaving; he will be dealt with and vows that it will be right.

He noted that it was 1978 before Tennessee recognized the Civil Rights Act of 1964. Clarksville needs to be in compliance with the law of 1964.

Terry Spellman spoke of his family applying for Section 8 in Clarksville and a door being slammed in their face. They were sent papers by HUD and spoke with Birdsong and they could not help them. What do we do if we ask for help and don't receive it? He and his children are legally blind. They have spoken to legal aid and disability lawyers who tell them that they have a good case but they can't help them. Things that are happening are not right.

He arrived at 8 am to apply for Section 8 and was told by a man in the office that the staff for that office doesn't come in until 9 am. So he waited another hour. The lady for Section 8 who said it was full and they are not taking applications at which time she took the next person into her office and shut the door. She told them to check the website. There is not an application on the website.

Chair Pierce asked Mr. Spellman to speak with the Housing Director, James Davis while he was here today.

Dr. Jim Cossingham wanted us to note that all the speakers are not from Tennessee. Before coming to Clarksville he was a business consultant in the north east for 5 states. A lawsuit was filed due to Clarksville Montgomery County denying them the use of a public building. They were never told why they could not use the building. A fence was constructed around the building and put a sign up saying that the building is controlled by Montgomery County. Still don't know why they were denied use of the building.

Clarksville Montgomery County never notified any of the funding sources that they had a lawsuit against them which is a major violation and funds could have and should have been cut off until those questions were answered. He was happy that Ms. Watts came to Clarksville to meet with them. He said that a lady from the Department of Justice was sitting with them while they were being harassed and wrote a report on it. The report has been requested many times and it has never been provided.

Executive Director Watts asked if that was the Community Relations Service of the Department of Justice. He noted that was correct and her name was Charlotte

Montgomery. Director Watts noted that she is now retired. He wants to know why the report has never showed up anywhere in the state.

The Tennessean article disturbed him because Mr. Birdsong said that he turned the complaints over to the very agencies that we complained about which he has a problem with. If their complaints are turned over to the very agencies that they complain about why do you think they are retaliated against? What happened to the complaints that were filed? If the Title VI office does not have the power to do the work then they need to know where to go from here.

Chair Pierce again noted that we would like to have copies of the complaints so the Commission can review them.

Commissioner McDaniel asked if the Commission would have reports on the complaints for Title VI. Chair Pierce explained that the reports would not include details but would have summary reports and recommendations of the office. He also asked about appeals process. Executive Director Watts answered that in Housing and Employment complainants could request a reconsideration which would be done by the legal staff and if no cause is still found, then they could request a right to sue for employment cases and file in state court within 30 days. The commission was not set up to be an appeal body.

Commissioner Starling noted that the Clarksville area has historically been a place where this type of complaints are commonplace and noted that he felt it was important to have a listening session there. What is festering there is not good and if not addressed it will grow.

Chair Pierce noted that city and county officials should be invited to hear the complaints. Commissioner Wurzburg thanked the speakers for sharing their stories and shared her concern that ADA complaints were not being heard. Executive Director Watts noted that there is a new Assistant Attorney General Tom Perez. It should be noted that there is a seat change at the Department of Justice at the federal level.

She noted that our Title VI Compliance office is in the process of developing rules and regulations so that there will be consistency across the state and agency compliance will be evaluated and staff educated. Citizens are not obligated to file their complaints with us they can file with the Department of Justice.

Commissioner Wurzburg noted that in the 80's and 90's State Advisory Committees called SAC's criss-crossed the state educating people in the government, counties and cities on what Title VI was and why you had obligations if you received federal dollars that it must be used non-discriminatorily. Executive Director Watts noted that we will always have complaints and issues and that there will always be work to be done and that is why we still have a mission.

Commissioner Wiggins thanked the speakers for letting the Commission know what was going on and was disturbed that some might leave the state to find comfort.

Chair Pierce adjourned the meeting at 11:25 a.m.