

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON HUMAN RIGHTS**



OFFICIAL COMMISSION MEETING

May 9, 2018
One Judiciary Square, 441 Fourth Street, NW, Room 1117

ATTENDEES

Commissioners:

Commissioner Fowlkes, Chairperson
Commissioner Muhammad, Vice Chairperson
Commissioner Aizawa, Secretary
Commissioner Figueroa-Garcia
Commissioner Herzog
Commissioner Lewis

Commissioner Maier
Commissioner Mulhauser
Commissioner Robinson
Commissioner Sanabria
Commissioner Thomas

Office of Human Rights Staff:

Mónica Palacio, Director

Commission on Human Rights Staff:

David C. Simmons, Chief ALJ
Dianne S. Harris, ALJ
J.P. Howard, ALJ
Daniel Gick, Law Clerk
Janie Stillwell, Intern
Laura Higbee, Future Law Clerk

Members of the Public:

Michael Sindram

MEETING

I. CALL TO ORDER

Chairperson Fowlkes called the Commission's Official Meeting to order at 6:30 pm.

II. ROLL CALL

Secretary Aizawa conducted the roll call, a total of eight Commissioners were present, constituting a quorum. Additional Commissioners arrived shortly after.

III. ADOPTION OF THE AGENDA

Chairperson Fowlkes called for a vote to adopt the Agenda. The Commissioners

unanimously approved the Agenda by acclamation.

IV. ADOPTION OF THE MINUTES

Chairperson Fowlkes asked for a motion to adopt the Commission's March 14th Meeting Minutes. Commissioner Figueroa-Garcia moved to adopt the Minutes; Commissioner Maier seconded the motion; and the March 14th Commission Meeting Minutes were adopted by acclamation.

V. REPORT OF THE DIRECTOR OF OHR

Mónica Palacio, Director of the Office of Human Rights, gave the report of the Director. Director Palacio highlighted points of the written Director's Report provided to the Commission including:

- An overview of reports, publications, and guidance documents being prepared by OHR;
 - A special announcement of a new monthly OHR newsletter;
- The continuation of the OHR EEO Certification Program;
- Personnel at OHR will temporarily increase as several law clerks, interns, and contractors are brought on over the summer;
- A review of numbers and production;
 - 607 pending cases on docket;
 - 148 cases resolved this year thus far (resulting in approximately \$1.5 million in settlements); and
 - 10 cases certified to the Commission;
- The celebratory event that OHR held during April, which is Fair Housing Month, for the 50th Anniversary of the Fair Housing Act
- OHR is reinitiating its Human Rights Liaison Workshops, with a special emphasis on outreach to residents in Wards 7 and 8; and
- Legislative updates including the Michael A. Stoops Antidiscrimination Act, which would add homelessness to the D.C. Human Rights Act as a protected trait.

The Commission held discussion regarding the guidance documents the Director mentioned. A Commissioner commented on an appearance by an OHR staff member, Mr. Ajan Brown in an outreach event at his workplace and commended the staff member and OHR on the outreach. Additional discussion was held regarding the policy and legislative role of the Commission after the issue was raised.

VI. REPORT OF CALJ

Chief Administrative Law Judge David C. Simmons presented the report of the Chief ALJ:

- The Commission's docket currently has:
 - Fifteen (15) Commission cases, with nine (9) new cases coming in this year;
 - Seven (7) Office cases, with one (1) new case coming in this year;
 - One (1) CBX case, with three (3) new cases coming in this year; and

- No current FCRSA cases, with one (1) new case coming in this year.
- To date, the Commission has closed:
 - Eleven (11) Commission cases;
 - Four (4) Office cases;
 - Three (3) CBX cases; and
 - Two (2) FCRSA cases.
- The Chief Judge directed the Commissioners to two logistical points regarding meetings and Commissioner contact information. Additionally, the Chief noted that for the first time in at least a decade, the Commission has a full complement of fifteen (15) Commissioners. The Mayor and the Mayor's Office of Talent and Appointments (MOTA) were recognized for an outstanding job in staffing the Commission.
- The Board of Ethics and Government Accountability (BEGA) Public Financial Disclosures requirements were addressed. The Commissioners were reminded that they have until May 15, 2018 to make the filing, and the issues logging into the filing system were acknowledged and are being addressed.
- The Chief Judge noted that two years ago, the Commission had its first non-law student intern in Ms. Aja Muhammad from the Field School. After Ms. Muhammad proved the capability of younger students, the Commission took another student from the Field School earlier this year, Ms. Olympia Swaby. In addition, last year the Commission took a senior, Ms. Abigael Ajuma, from the Episcopal High School in Alexandria. Ms. Ajuma is now finishing her first year at St. Lawrence University in New York. Building on those successes, the Commission took Ms. Janie Stillwell from the Episcopal High School this May. Ms. Stillwell was introduced to the Commissioners and the Chief Judge noted that she is both a scholar and an athlete and has committed to Washington & Lee University in Virginia next fall.
- Chief Judge Simmons also reported that the Commission participates in a fellowship program with Georgetown Law, through which the Commission has benefited greatly by having a recently graduated law clerk, at significantly low cost, for a roughly one-year term. This year the Commission had Mr. Daniel Gick, a top student from Chief Judge Simmons' Employment Discrimination course, who has been a tremendous boon to the Commission. The Commission was recently able to secure approval to continue participating in the fellowship program and has made an offer to Ms. Laura Higbee, who has accepted and was present. Ms. Higbee was a top student from Chief Judge Simmons' course this academic year, who will be graduating in less than two weeks. The Commission Judges are excited to have Ms. Higbee step into Mr. Gick's shoes and continue as the Senior Law Clerk at the Commission, as Mr. Gick leaves the Commission to clerk for the Assignment Judge on the New Jersey Superior Court of Camden County.
- The Chief Judge then noted that, as he announced via an email some time ago, Judge J.P. Howard has been appointed by the D.C. Committee on Selection and Tenure of Administrative Law Judge's to the D.C. Office of Administrative Hearings. The Chief Judge went on to explain the expansive jurisdiction of the Office of Administrative

Hearings and the opportunity for Judge Howard to expand his knowledge base and background experience. He noted Judge Howard's tenure with the Commission as the second law clerk at the Commission, an involved alumnus, and a valued Administrative Law Judge and wished Judge Howard the best.

- Judge Howard addressed the Commission, thanking the Commissioners for the opportunity to work with them and their support during his four years at the Commission. He noted just how happy he was to have had the opportunity to rejoin the Commission as an Administrative Law Judge after clerking and to come home to both the District and to the Commission. He noted a special thanks to Chief Judge Simmons who has been his foremost mentor and teacher for over a decade. Judge Howard reiterated that this is not goodbye—he is only moving two floors up in the building and will stay involved. He thanked everyone again and said that he hopes they will not mind him staying in touch.
- **Commendation of Judge Howard:** Chairperson Fowlkes called for a motion to congratulate and commend Judge Howard for his service to the Commission; Commissioner Mulhauser so moved and Commissioner Thomas seconded the motion. Chairperson Fowlkes opened the floor for comments from the Commissioners, who noted their experience with Judge Howard. Chairperson Fowlkes gave some kind words, called for a vote, and the commendation was passed by acclamation.

Motion to Seek Review of Commission ALJ Compensation

Commissioner Robinson then asked for an indulgence and Chairperson Fowlkes granted him the floor. Commissioner Robinson stated that he believes that the Commission has a problem with losing judges that it has trained and invested in, noting the loss of Judge Howard and another previous judge. He noted that a significant compensation discrepancy exists between the Commission and the Office of Administrative Hearings and moved that the Commission look at an appropriate method to seek a review and effect some sort of equalization for the Commission Judges. Commissioners Maier and Aizawa seconded the motion. Commissioner Herzog raised concern with the proposal that was cleared after discussion. Commissioner Maier noted that for a number of years, such evaluations of positions have occurred in the District Government, but perhaps the Commission has been overlooked in this practice. Chairperson Fowlkes called the motion to a vote and it passed by unanimous acclamation.

- The Chief Judge concluded by addressing the Street Law Mock Trial held this past April. Eleven (11) schools participated, a number fielding several teams each, and the finals were held in late April with the Chief Judge participating. The final round featured teams from Dunbar and the School Without Walls, in a rematch from an earlier round that another Commission Judge participated in, which had received coverage on NBC4. After an excellent trial, Dunbar was victorious this year. Commissioner Maier noted the media coverage and how excellent the students were. Commissioner Fowlkes noted how excellent Dunbar's students had been in the Fall Human Rights Mock Trial that he judged. Chief Judge Simmons stated that the Street Law Program is looking to continue the Fall

Human Rights Mock Trial instead of returning to the approach of developing the creative human rights projects that the Youth Human Rights Ambassadors Initiative had used in years past. He noted the difficulty of the work and amount of time involved with the teachers and students on top of the curriculum in preparing the creative projects.

VII. OLD BUSINESS

Case Management

Chairperson Fowlkes raised the progress of the Case Management System project. Judge Howard informed the Commission that a live test with two Commission cases had recently concluded and a wrap up call was being scheduled. At this point, with minor tweaks, the Commission's Case Management System is ready to go fully live and the Commission has access to it. Chief Judge Simmons noted that a case had been certified to the Commission that day which will be put in the Commission's system as the first case to run from certification to conclusion. Mr. Daniel Gick will take over as the point person for the Case Management System; however, Judge Howard has secured authorization to continue to assist the Commission in successfully deploying the System.

VIII. NEW BUSINESS

ALJ Hiring

Commissioner Robinson raised questions concerning the hiring process to fill Judge Howard's seat. Chief Judge Simmons explained that he had met with the OHR Director and, in order to prioritize filing the vacant position, the process would be conducted initially with a selected pool of candidates. The Commissioners were invited to submit candidates of high quality and skill for the position. The Chief Judge stated that he would provide, at any Commissioner's request, a copy of the job description and a one-page sheet of the key responsibilities and qualities the Commission would look for in an ideal candidate. The qualities identified include: knowledge of the D.C. Human Rights Act, experience in adjudicative and trial procedures, and knowledge of the Commission's procedures. Commissioners were welcomed to join the process. A Commissioner noted that while they understood the need to move quickly to keep the Commission on track, he was concerned with ensuring the diversity of the applicant pool and suggested a nation-wide search. Another Commissioner suggested that the Commission should have a process like the Office of Administrative Hearings formal hiring process, which involves an appointed committee with members furnished by the Mayor, City Council, and D.C. Superior Court.

Introduction of New Members

Chairperson Fowlkes welcomed the newly appointed Commissioner, Clifton Lewis, to the Commission and gave Commissioner Lewis the floor.

Commissioner Lewis addressed the Commission and noted that he works as the Executive Director of U.S. Vets, Washington, D.C. A nationwide organization, U.S. Vets is a comprehensive provider of services to veterans. Commissioner Lewis stated that his role model as a person and in service was his grandfather, Mr. Davis, a veteran with strong ties to the local community. Upon further questioning by fellow Commissioners, Commissioner Lewis detailed his extensive history of dedication to community-oriented and social work. Commissioner Lewis is a graduate of Morgan State University's School of Communications, the father of two

children, and a Baltimore native.

IX. COMMUNITY COMMENTS

Community comments were provided by Mr. Michael Sindram. Mr. Sindram brought a pocket Constitution and stated that the Constitution is supreme over Roberts Rules of Order. He alleged what he claimed were aspersions, harassment, and violations of his rights. Finally, he claimed that he was being discriminated against because of his traits as a white male.

X. ANNOUNCEMENTS

On Thursday June 28, 2018 from 6:30-9:30 pm there will be a 45th Anniversary Celebration of the Street Law Program and acknowledgment of the retiring of its founding professor at Georgetown Law School, Richard Roe, at the Georgetown University Law Center Hotung Lounge, 600 New Jersey Ave, NW, Washington, DC 20001. The Commissioners are invited and encouraged to attend as partners with the Street Law Program in the Youth Human Rights Ambassadors Initiative.

Several Commission Clerks and Interns are graduating this year including: Ms. Veda Rasheed, last year's National Jurist Law Student of the Year, who will graduate from Catholic University's Law School; Ms. Shani Brown, who will graduate from U.D.C.'s Law School and is joining the Chambers of D.C. Superior Court Judge Kimberley S. Knowles as a law clerk; Ms. Allannah Wynn, who will be graduating from Howard Law and joining a major law firm, then clerking for a judge on the U.S. District Court for the Southern District of New York; Ms. Natalie Camastra, who will graduate from Georgetown Law; Mr. Laura Higbee, the incoming Commission Law Clerk, who is also graduating from Georgetown Law; and Ms. Janie Stillwell, the current Commission Intern who is graduating from the Episcopal High School and will be attending Washington and Lee University in the fall.

XI. ADJOURNMENT

Chairperson Fowlkes called for a motion to adjourn. Commissioner Robinson moved to adjourn; Commissioner Mulhauser seconded the motion; and the motion carried by acclamation. The Commission's May 2018 public meeting adjourned at approximately 7:33 pm.

Adopted at the July 11, 2018 Commission meeting.