

CIVIL RIGHTS COMMISSION MEETING

CITY OF DAVENPORT, IOWA

TUESDAY, MARCH 12, 2019; 12:00 PM

I. Roll Call

II. Approval of Agenda

III. Approval of Minutes

A. February 2019 Minutes

IV. Directors Report

A. Case Status Report

B. Director Report

V. New Business

A. H-0123-0026-14

VI. Old Business

A. Meeting Format

VII. Public Comment and Presentation

VIII. Adjourn

IX. Next Meeting

City of Davenport
Civil Rights Commission

Department:
Contact Info:

Date

Subject:
February 2019 Minutes

ATTACHMENTS:

Type	Description
▢ Cover Memo	February 2019 Minutes

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Badillo, Beth	Approved	3/11/2019 - 10:52 AM

DAVENPORT CIVIL RIGHTS COMMISSION
Minutes of Regular Meeting
February 12, 2019

The Davenport Civil Rights Commission (DCRC) met at 12:03 p.m. Tuesday, February 12, 2019, in the first floor conference room at the Davenport City Hall. Commission President Susie Greenwalt presided

COMMISSIONERS PRESENT:

Judy Shawver
Susie Greenwalt
Helen Roberson
Benjamin Hahn
Nicole Briebiesco Ledger (arrived after approval of agenda)

COMMISSIONERS ABSENT:

Clyde Mayfield
Shylee Garrett

OTHER PERSONS PRESENT:

Director, Latrice Lacey
Lee Gaston
Mallory Hoyt, Assistant City Attorney
Brian Heyer, Assistant City Attorney
Gayle Haun, Von Maur Director of HR
Kevin Schmidt, Quad City Times
Bill Lukitsch, Quad City Times
Kurt Allemeier, City of Davenport, communications department

APPROVAL OF AGENDA:

On motion by Judy Shawver, seconded by Helen Roberson, the agenda was approved by all commissioners present.

APPROVAL OF MINUTES:

On motion by Judy Shawver, seconded by Helen Roberson, the minutes of the regular meeting of December 11, 2018 were approved. All commissioners voted yes.

On motion by Benjamin Hahn, seconded by Nicole Briebiesco Ledger, the minutes of the special meeting of February 4, 2019 were approved. All commissioners voted yes.

REPORT OF THE DIRECTOR:

Motion to accept the Director's report was made by Judy Shawver and seconded by Benjamin Hahn. Motion passed with all commissioners voting yes.

NEW BUSINESS:

Gayle Haun, Von Maur HR director made a statement regarding E-0038-0017-15. She requested that the Commission accept the Ruling in the matter from the Administrative Law Judge. It was noted that the complainant was not able to attend the meeting due to a family illness.

OLD BUSINESS:

Director Lacey reminded the Commissioners that there is a new proposed city format for meetings that we need to review. There were concerns raised relating to the accessibility of video materials posted online. As Shylee Garrett expressed personal concerns regarding the chilling effect that You-Tube videos of open meetings may have and because she was not present, Benjamin Hahn moved that discussions regarding approval of changing the meeting format be tabled until the March meeting. Motion was seconded by Helen Roberson and passed.

PUBLIC COMMENT:

Lee Gaston, talked about his interpretation of the ordinance regarding the Mayor's authority to appoint commissioners. He expressed concern that questions surrounding the validity of the appointment may affect the validity of the Commission's actions and suggested that the matter be resolved as soon as possible.

Brian Heyer – Assistant City Attorney presented a letter to commissioners demanding copies of public information and confidential complaint information outlined in the letter. He also advised Mrs. Haun, the Von Maur HR representative that the Commission was illegally deciding her case..

Mallory Hoyt, Assistant City Attorney distributed a copy of the open meetings section 21.5 of the Iowa Code.

On Motion by Commissioner Judy Shawver, seconded by Commissioner Helen Roberson, the Commission went into closed session pursuant to Iowa Code 21.5(1)(c) and Iowa Code 21.5(1)(f), with all Commissioners present and by roll call vote, voting yes at 12:38 p.m.

Reconvening in Open Session:

On Motion by Commissioner Judy Shawver, seconded by Commissioner Susie Greenwalt, all Commissioners present and by roll call vote, voting yes; the Commission reconvened in open session at 1:20 p.m.

Judy Shawver moved that Order of the Administrative Law Judge entered in E-0038-0017-15 be affirmed and accepted after modifying to remove assessment of costs for the hearing, Seconded by Susie Greenwalt, motion passed with all commissioners then present (Nicole Briebiesco Ledger having left at 1:15pm) voting yes.

Judy Shawver moved that the Commission resist the petition to reopen case ED-0109-0002-14 with the Davenport Civil Rights commission due to pending appellate action and procedural concerns, seconded by Susie Greenwalt, motion passed.

At 1:28 pm after motion by Judy Shawver the meeting was adjourned.

The next meeting scheduled for Davenport Civil Rights Commission is March 12, 2019 at noon

Submitted by Judy Shawver.

City of Davenport
Civil Rights Commission

Department:
Contact Info:

Date

Subject:
Case Status Report

ATTACHMENTS:

Type	Description
▢ Cover Memo	Case Status report February 2019

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Badillo, Beth	Approved	3/11/2019 - 11:54 AM



CASE STATUS REPORT

Monthly Summary

February 01 , 2019 THRU February 28 , 2019

Informal Case Information

Monthly		
Area	Filed	Closed
Housing	0	0
Total	0	0

Year to Date		
Area	Filed	Closed
Housing	2	2
Total	2	2

Overall total active informal complaints: 0

Formal Case Information Identified this Month

Areas Filed	
Area	Count
Credit	0
Employment	5
Education	0
Housing	3
NJ EEOC Referral	4
Public Accommodation	0
Transit Title VI	0
Total	12

Areas Closed	
Area	Count
Credit	0
Employment	4
Education	1
Housing	3
NJ EEOC Referral	7
Public Accommodation	2
Transit Title VI	0
Total	17

Basis Filed (Monthly)					
Basis	Cnt	Basis	Cnt	Basis	Cnt
Age	3	Pregnancy	0	Creed	0
Retaliation	2	Gender Identity	0	Mental Disability	2
Religion	0	Age under 40	0	Physical Disability	2
Sex	1	Retaliation-ADA	0	Familial Status	0
Sex Orientation	1	Color	0	Marital Status	0
				National Origin	0
				Race	8

Trigger Events Filed (Monthly)							
Trigger	Cnt	Trigger	Cnt	Trigger	Cnt	Trigger	Cnt
Demotion	0	Terms	8	Advertising	0	Fail To Hire	0
Negative Treatment	3	Accessibility	0	Harassment	2	Fail To Promote	0
Racial Harassment	0	Fail to Lend/Appraise	0	Eviction	0	Fail To Rent	0
Sexual Harassment	1	Steering/Redlining	0	Equal Pay	1	Fail To Serve	0
Termination	5	Discipline	1	Fail to Accom/Mod	1		



CASE STATUS REPORT

Monthly Summary

February 01 , 2019 THRU February 28 , 2019



Page: 2

CLOSED - Disposition of formal complaints

Disposition of formal complaints (Monthly)	
Disposition	Count
Lack of Interest	
Interrogatories not Returned	0
Did not respond/attend appointment	3
No Jurisdiction	
Statute of limitations	1
Prima Facia not met	0
Outside geographical jurisdiction	0
NJ Referred to EEOC	4
Insufficient # employees	0
No Basis	2
No Area	0
Dismiss lack of subject matter	0
Satisfactorily Adjusted	0
Settlement	0
Right to sue letter issued	0
No Probable Cause	1
Mediation Settlement	1
Jurisdiction waived	3
Fact do not support claim	0
Does not warrant further actions	0
Conciliation	0
Complaint Withdrawn/Duplicate	1
Commission Final Decision	1
Conciliation Failed	0
Total Dispositions	17

Disposition of formal complaints (Annual)	
Disposition	Count
Lack of Interest	
Interrogatories not Returned	0
Did not respond/attend appointment	4
No Jurisdiction	
Statute of limitations	1
Prima Facia not met	0
Outside geographical jurisdiction	2
NJ Referred to EEOC	7
Insufficient # employees	0
No Basis	2
No Area	0
Dismiss lack of subject matter	0
Satisfactorily Adjusted	0
Settlement	0
Right to sue letter issued	0
No Probable Cause	1
Mediation Settlement	5
Jurisdiction waived	4
Fact do not support claim	0
Does not warrant further actions	0
Conciliation	0
Complaint Withdrawn/Duplicate	1
Commission Final Decision	1
Conciliation Failed	0
Total Dispositions	28

Summary: Previous Open: 182 (+) New Open 12 (-) Closed 17 (=) Total Open 177

Probable Cause (Monthly) = 1 (Annual) = 1

Pending Complaints

Open Complaints By Year	
Description	Count
Total number for year 2014	3
Total number for year 2015	16
Total number for year 2016	29
Total number for year 2017	47
Total number for year 2018	66
Total number for year 2019	16
Total	177

Complaint By Status	
Status	Count
Elected District Court	0
Court on Appeal	1
Commission Review	0
Public Hearing Decision Pending	0
Public Hearing Pending	0
PC/Conciliation	3
Final Review	45
Final Investigation	2
Intermediate Investigation	27
Mediation	8
Mediation/Intermediate Invest.	0
Initial Investigation (3)	5
Initial Investigation (2)	64
Initial Investigation	10
Initial Review / Screening	12
Opened	0
Total	177



CASE STATUS REPORT

Monthly Summary

February 01 , 2019 THRU February 28 , 2019

Staff Presentation Information

Monthly Presentations			
Presentation type	Count	Hours	People
Community	3	2.5	48
Total	3	2.5	48

Year to Date Presentations			
Presentation type	Count	Hours	People
Community	3	2.5	48
Total	3	2.5	48

Mediation and Settlement Information

Mediation & Settlement		
	Month	YTD
Held with no resolution	1	1
Closed with resolution	1	5

Monthly	
Resolution	Count
Monetary Settlement	1
No Resolution	1
Reinstatement	0
Specific Performance	0
Policy Change	0
Training	0
Total	2

Year to Date	
Resolution	Count
Monetary Settlement	1
No Resolution	1
Reinstatement	0
Specific Performance	4
Policy Change	0
Training	0
Total	6

Total monthly settlement amount: \$1,000.00

Total yearly settlement amount: \$1,000.00

Referrals

Referral Distribution					
	Month	YTD		Month	YTD
ICRC	2	3	IDHR	1	1
Other	0	0	HUD	0	0
Help Legal	0	1	NAACP	0	0
ADA project	0	0	IA Citizen's Aid	0	1
EEOC	0	0	Other City Departments	0	0
Bettendorf Human	0	0	DPD Internal Affairs	0	0
US Dept of Labor	0	0	Attorney Disciplinary Office	0	1
Attorney Referral	0	0	Scott Cty & Cthouse	1	1
Landlord Association	0	0	Total	4	8



CASE STATUS REPORT

Monthly Summary

February 01 , 2019 THRU February 28 , 2019

Status of Complaints by Number and Year

Case Listing for 2014

PA-0100-0008-14	Final Review
H-0123-0026-14	Court on Appeal
PA-0132-0011-14	Final Review

Case Listing for 2015

E-0030-0014-15	Intermediate Investigation
E-0051-0024-15	Intermediate Investigation
E-0054-0026-15	Final Review
PA-0067-0011-15	Final Review
E-0076-0037-15	Intermediate Investigation
E-0077-0038-15	Intermediate Investigation
E-0078-0039-15	Intermediate Investigation
E-0087-0043-15	Final Review
E-0100-0047-15	Final Review
E-0101-0048-15	Final Review
E-0102-0049-15	Final Review
E-0103-0050-15	Final Review
ED-0118-0002-15	PC/Conciliation
PA-0119-0019-15	Final Review
PA-0133-0025-15	Final Review
E-0143-0067-15	Final Review

Case Listing for 2016

E-0015-0004-16	PC/Conciliation
E-0022-0008-16	Final Review
E-0031-0014-16	Final Review
E-0035-0017-16	Final Review
E-0040-0018-16	Initial Investigation (2)
E-0052-0023-16	Initial Investigation (2)
E-0053-0024-16	Intermediate Investigation
PA-0054-0006-16	Final Review
E-0060-0026-16	Final Review
E-0063-0027-16	Initial Investigation (2)
E-0064-0028-16	Initial Investigation (2)
E-0072-0031-16	Initial Investigation (2)
E-0084-0038-16	Final Review
E-0085-0039-16	Final Review
PA-0089-0008-16	Intermediate Investigation



CASE STATUS REPORT
Monthly Summary
February 01 , 2019 THRU February 28 , 2019

Case Listing for 2016

E-0094-0044-16	Final Review
PA-0098-0009-16	Final Review
E-0100-0046-16	Final Review
E-0107-0050-16	Final Review
E-0110-0052-16	Final Review
PA-0117-0011-16	Final Review
PA-0118-0012-16	Final Review
E-0120-0056-16	Final Review
E-0125-0059-16	Final Review
E-0133-0064-16	Intermediate Investigation
E-0135-0066-16	Final Review
E-0139-0069-16	Initial Investigation (2)
E-0141-0070-16	Final Review
E-0145-0073-16	Final Review

Case Listing for 2017

E-0003-0002-17	Final Review
E-0009-0007-17	Final Review
PA-0011-0001-17	Final Review
E-0012-0009-17	Initial Investigation (3)
E-0015-0011-17	Initial Investigation (2)
E-0017-0012-17	Final Review
E-0022-0013-17	Initial Investigation (2)
E-0027-0015-17	Final Investigation
E-0031-0016-17	Final Review
E-0033-0017-17	Initial Investigation (2)
E-0036-0019-17	Intermediate Investigation
E-0037-0020-17	Initial Investigation (2)
E-0040-0021-17	Intermediate Investigation
E-0053-0025-17	Final Review
E-0055-0026-17	Final Review
E-0058-0028-17	Initial Investigation (2)
E-0062-0031-17	Initial Investigation (2)
E-0063-0032-17	Initial Investigation (2)
E-0064-0033-17	Initial Investigation (2)
E-0068-0035-17	Initial Investigation (2)
E-0072-0037-17	Initial Investigation (2)
E-0073-0038-17	Initial Investigation (2)



CASE STATUS REPORT
Monthly Summary
February 01 , 2019 THRU February 28 , 2019

Case Listing for 2017

E-0074-0039-17	Intermediate Investigation
E-0075-0040-17	Intermediate Investigation
E-0076-0041-17	Final Review
E-0077-0042-17	Intermediate Investigation
H-0081-0008-17	PC/Conciliation
E-0084-0044-17	Initial Investigation
E-0093-0048-17	Initial Investigation (2)
H-0094-0010-17	Mediation
H-0095-0011-17	Intermediate Investigation
E-0096-0049-17	Final Review
E-0097-0050-17	Final Review
E-0099-0051-17	Initial Investigation (2)
PA-0108-0014-17	Final Review
H-0111-0015-17	Intermediate Investigation
E-0117-0057-17	Final Review
E-0121-0061-17	Intermediate Investigation
PA-0122-0015-17	Final Review
E-0123-0062-17	Initial Investigation (2)
E-0124-0063-17	Initial Investigation (2)
E-0128-0067-17	Initial Investigation (2)
E-0130-0069-17	Initial Investigation (2)
E-0131-0070-17	Initial Investigation
E-0133-0072-17	Initial Investigation (2)
PA-0134-0016-17	Intermediate Investigation
E-0143-0075-17	Intermediate Investigation

Case Listing for 2018

ED-0003-0001-18	Initial Investigation (2)
E-0006-0003-18	Initial Investigation (2)
E-0007-0004-18	Initial Investigation (2)
E-0010-0007-18	Initial Investigation (2)
E-0011-0008-18	Initial Investigation (2)
H-0012-0001-18	Intermediate Investigation
E-0014-0009-18	Initial Investigation (2)
PA-0015-0001-18	Initial Investigation (2)
H-0019-0002-18	Intermediate Investigation
E-0021-0010-18	Initial Investigation (2)
E-0025-0013-18	Initial Investigation (2)



CASE STATUS REPORT
Monthly Summary
February 01 , 2019 THRU February 28 , 2019

Case Listing for 2018

E-0028-0016-18	Initial Investigation (2)
E-0029-0017-18	Initial Investigation (3)
E-0030-0018-18	Initial Investigation (2)
H-0032-0004-18	Intermediate Investigation
E-0038-0021-18	Initial Investigation (2)
E-0040-0022-18	Initial Investigation (2)
PA-0042-0005-18	Final Investigation
E-0045-0024-18	Initial Investigation (2)
E-0046-0025-18	Initial Investigation (2)
PA-0048-0006-18	Initial Investigation (2)
E-0058-0028-18	Initial Investigation (2)
E-0059-0029-18	Final Review
H-0062-0008-18	Intermediate Investigation
E-0063-0031-18	Initial Investigation (2)
H-0067-0009-18	Intermediate Investigation
H-0068-0010-18	Intermediate Investigation
H-0069-0011-18	Intermediate Investigation
E-0070-0032-18	Initial Investigation (3)
E-0071-0033-18	Initial Investigation (2)
E-0074-0034-18	Initial Investigation (2)
PA-0075-0011-18	Initial Investigation (2)
E-0077-0036-18	Initial Investigation (2)
E-0079-0037-18	Initial Investigation (3)
E-0081-0038-18	Initial Investigation (2)
E-0082-0039-18	Initial Investigation (2)
E-0083-0040-18	Initial Investigation (2)
E-0085-0042-18	Initial Investigation (3)
PA-0086-0012-18	Initial Investigation (2)
ED-0087-0003-18	Initial Investigation (2)
ED-0088-0004-18	Initial Investigation (2)
E-0089-0043-18	Initial Investigation (2)
E-0092-0044-18	Initial Investigation (2)
E-0094-0045-18	Mediation
E-0096-0047-18	Initial Investigation (2)
PA-0100-0013-18	Initial Investigation (2)
H-0102-0015-18	Intermediate Investigation
E-0104-0050-18	Mediation



CASE STATUS REPORT

Monthly Summary

February 01 , 2019 THRU February 28 , 2019

Case Listing for 2018

E-0108-0051-18	Initial Investigation (2)
E-0110-0052-18	Initial Investigation
E-0111-0053-18	Initial Investigation
E-0113-0054-18	Initial Investigation (2)
E-0115-0055-18	Initial Investigation (2)
E-0116-0056-18	Initial Investigation (2)
E-0117-0057-18	Initial Investigation (2)
E-0119-0058-18	Mediation
E-0120-0059-18	Mediation
H-0121-0016-18	Mediation
E-0122-0060-18	Intermediate Investigation
E-0125-0062-18	Mediation
E-0126-0063-18	Initial Investigation
E-0131-0064-18	Initial Investigation (2)
H-0132-0017-18	Initial Review / Screening
H-0133-0018-18	Initial Investigation
H-0134-0019-18	Mediation
E-0136-0065-18	Initial Investigation (2)

Case Listing for 2019

E-0002-0001-19	Initial Investigation (2)
H-0005-0002-19	Initial Investigation
E-0008-0003-19	Initial Investigation
E-0010-0004-19	Initial Investigation
E-0011-0005-19	Initial Investigation
NJR-0012-0004-19	Initial Review / Screening
NJR-0014-0005-19	Initial Review / Screening
E-0016-0006-19	Initial Review / Screening
NJR-0020-0008-19	Initial Review / Screening
H-0021-0006-19	Initial Review / Screening
E-0022-0007-19	Initial Review / Screening
H-0023-0007-19	Initial Review / Screening
E-0024-0008-19	Initial Review / Screening
NJR-0025-0009-19	Initial Review / Screening
E-0026-0009-19	Initial Review / Screening
E-0027-0010-19	Initial Review / Screening

City of Davenport
Civil Rights Commission

Department:
Contact Info:

Date

Subject:
Director Report

ATTACHMENTS:

Type	Description
▢ Cover Memo	Director's Report February 2019

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Badillo, Beth	Approved	3/11/2019 - 11:53 AM

**DIRECTOR REPORT FOR THE DAVENPORT CIVIL RIGHTS COMMISSION FOR
February 2019**

I. CASE STATUS

1. No “right to sue” letters were issued in the month of February.
2. During the month of February one case settled in mediation and one in conciliation. Two employment cases settled in the month of February. One case involved allegations of retaliation for filing a complaint and settled in conciliation for \$10,000 and relief in the public interest. One case involved allegations of retaliation discrimination and this case settled in mediation for \$1000.00 and relief in the public interest.

II. OTHER ACTIVITY

1. Director co-planned a CEU training at St. Ambrose University.
2. Director reviewed issues relating to pending litigation and drafted brief for the Commission.
3. Director worked on briefing issues in collaboration with other agencies.
4. Director met with Iowa League of Civil and Human Rights Agencies.
5. Director and Housing Analyst met with HUD.
6. Director and Housing Analyst attended housing appeal hearings.
7. Director attended civil service meeting.
8. Director worked on Martin Luther King Jr. presentation.
9. Director conducted Black History Month presentation.
10. Director presented on Between the World and Me at the Davenport Library.
11. Director worked on annual report materials.
12. DCRC and participant of Race: the Power of an Illusion Learning Exchange and Continuing Courageous Conversations met to discuss upcoming collaborative opportunities.
13. Housing Analyst worked on investigations.
14. Housing Analyst worked on housing inquiries.
15. Housing Analyst prepared and submitted update to HUD on housing case on appeal.
16. Housing Analyst met with community members regarding housing issues.
17. Investigative Paralegal worked on investigations.

III. OLD BUSINESS

IV. NEW BUSINESS

1. Supreme Court decision – Seeberger v. DCRC – issued February 15, 2019

City of Davenport
Civil Rights Commission

Department:
Contact Info:

Date

Subject:
H-0123-0026-14

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Badillo, Beth	Approved	3/7/2019 - 11:34 AM

City of Davenport
Civil Rights Commission

Department:
Contact Info:

Date

Subject:
Meeting Format

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Badillo, Beth	Approved	3/7/2019 - 11:30 AM