

# **MINUTES OF THE COMMISSION FOR HUMAN RIGHTS**

**March 29, 2007**

**A regular meeting of the Commission for Human Rights was held in the agency conference room on Thursday, March 29, 2007. Present at the meeting were Commissioners Iraida Williams, Alton W. Wiley, Jr. and Dr. John B. Susa, Chairperson. Absent were Jean Stover, Camille Vella-Wilkinson, Alberto Aponte Cardona and Randolph Lowman. The meeting was called to order at 9:15 a.m.**

**A motion was made to approve the February 22, 2007 minutes. The motion was approved by Commissioner Wiley and seconded by Commissioner Williams and carried.**

**Status Report: Michael D. Évora, Executive Director-**

**A written report was handed out. All new information was in bold print.**

**The Director reported that IAOHRA (International Association of Human Rights Agencies) asked all FEPA agencies to write to the members of Congress to ask them to vote in favor of allocating more money to FEPAs in the EEOC Budget. A motion was made to send a letter to the RI Congressional delegation supporting allocating additional money to FEPAs in the EEOC budget. The motion was**

**made by Commissioner Wiley and seconded by Commissioner Williams and carried. The director will draft the letter.**

**The Director reported that the Commission was able to negotiate with RIPTA to have bus cards put on all RIPTA buses in April, May and June. The bus cards advise riders of their Fair Housing Rights and are in English and Spanish. April is Fair Housing Month and HUD is sponsoring a panel discussion on lending discrimination to be held at URI (Downtown) on April 23, 2007 at 9:30 am.**

**Case Production Report - Attached**

**AGED CASE Report - Attached**

**Outreach Report - Attached**

**Commissioner Meeting -2- March 29, 2007**

**STATUS REPORT - COMMISSIONERS-**

**GENERAL STATUS: No report at this time.**

**OUTREACH:** Dr. Susa was featured in the magazine Connections for his work assisting parents with children with disabilities.

**STATUS REPORT - LEGAL COUNSEL,** Cynthia M. Hiatt and Francis A. Gaschen

**LITIGATION:** Report attached.

**LEGISLATION:** Legal Counsels discussed pending bills.

**REGULATIONS:** No discussion at this time.

**HEARING SCHEDULE:** Discussed

**DECISIONS:** No discussion at this time.

The meeting adjourned at 10:15 a.m. The next regular meeting of the Commission is scheduled for Thursday, April 26, 2007 at 9:00 am.

**Respectfully Submitted,**

**Michael D. Évora**

## **Executive Director**

**Notes taken by: B. Ross**

### **EXECUTIVE DIRECTOR'S REPORT TO COMMISSIONERS MARCH 29, 2007**

#### **I. BUDGET**

**The Commission's budget currently before the General Assembly is as follows:**

	<b>FY 2007</b>	<b>FY 2007</b>	<b>FY 2008</b>	<b>FY 2008</b>
	<b>(Rev. Req.)</b>	<b>(Revised)</b>	<b>(Request)</b>	<b>(Recomm.)</b>
<b>S</b>	<b>1,038,846</b>	<b>989,630</b>	<b>936,493</b>	<b>984,197</b>
<b>F</b>	<b>286,549</b>	<b>323,679</b>	<b>311,111</b>	<b>404,743</b>
<b>T</b>	<b>1,325,395</b>	<b>1,313,309</b>	<b>1,247,604</b>	<b>1,388,940*</b>

**\*The Commission's original FY 2008 Budget Request contained a 15% cost reduction, as required by the Governor, which would have resulted in the loss of 2.5 positions, leaving the Commission at 12 positions. The budget request before the General Assembly funds the Commission for the full 14.5 positions to which the agency currently is entitled.**

**The Commission (Frank Gaschen and I) appeared before the House Finance Committee on March 12. Our status report was well-received. We were advised that we do not have to identify approx. \$10,000 in payroll savings for FY 2008, as we had previously been instructed. I also met with the Senate Finance Committee/Subcommittee on Human Services on March 15 and presented a general overview/status report relative to the Commission.**

## **II. FEDERAL CONTRACTS**

**EEOC – For federal FY 2007, as of 2/28/07, according to EEOC Project Director Marlene Toribio, we have closed 89 cases. We have not received our FY 2007 contract.**

**HUD – For FY 07 (7/1/06 to date), according to HUD Project Director Angela Lovegrove, we have taken in 30 new housing charges, 29 of which are co-filed with HUD. Within this same time period, we have processed 32 housing charges, 30 of which were co-filed with HUD.**

## **III. PERSONNEL**

**Allison Cote, Sr. Compliance Officer, has resumed full-time status,**

after returning to work in January in part-time status.

**IV. OUTREACH – Refer to attached report.**

## **V. GENERAL STATUS**

**&#9679;Meetings with staff members – I continue to meet with individual investigative staff members on a monthly basis to monitor case production.**

**&#9679;Case Closures – Refer to attached report.**

**&#9679;Aged Cases – Refer to attached report. Progress continues to be made on decreasing the aged caseload. The Commission successfully reduced the aged caseload by 86% in FY 2006 (from 14 to 2 cases).**

**&#9679;Commissioner (Re)Appointments – As reported last month, the Governor submitted the nomination of Rochelle Lee (to replace Cmsr. Stover) to Senate Judiciary on February 27; the committee has not yet scheduled a hearing. I spoke with Christine DiFilippo (Governor’s Office) on March 28; she indicated that she has yet to meet with the Governor to discuss the reappointments of Cmsrs. Susa and Vella-Wilkinson as well as a nomination for a replacement for Cmsr. Lowman. She is hoping that this meeting will take place shortly.**

**&#9679;Overall Case Inventory – The Commission had over 1000 cases in its inventory at the end of FY 98. We ended FY 06 with 387 cases in inventory. As of 3/27/07, we had a total of 381 cases in inventory.**

**&#9679;Charge – On March 21, the Commission received notification that an Unfair Labor Practice Charge had been filed with the State Labor Relations Board alleging that the Commission/Executive Director had violated the State Labor Relations Act. The Charge was filed by RI Council 94, AFSCME, AFL-CIO. An informal hearing is scheduled for May 4, 2007.**

**&#9679;Annual Report – The Commission’s FY 2006 Annual Report has been distributed to the General Assembly, Judiciary and organizations. Please see me for a copy.**

**&#9679;Commissioner “Portraits” – At long last, the photographs of Commissioners have been framed and hung in the Hearing Room. Pictures of the Emeritus Commissioners will be hung shortly.**

**Respectfully submitted,**

**Michael D. Évora**

**Executive Director**

**Attachments**

**RHODE ISLAND COMMISSION FOR HUMAN RIGHTS**

**AGED CASE REPORT\***

**(EEOC FY 2003)**

**DATE TOTAL CASES STAYED CASES TOTAL LESS STAYED**

**11/25/02 158 9 149**

**12/20/02 148 9 139**

**1/24/03 139 9 130**

**2/24/03 125 9 116**

**3/25/03 115 9 106**

**4/22/03 105 9 96**

**5/23/03 93 9 84**

**6/25/03 86 9 77**

**7/23/03 82 9 73**

**8/28/03 69 9 60**

**9/23/03 66 9 57**

**9/30/03 63 9 54**

**\*Figures reflect open cases filed between July 1, 1987 and June 30, 1998**

**Aged case load reduced in EEOC FY 2003 by 63.8%**

**RHODE ISLAND COMMISSION FOR HUMAN RIGHTS**

**AGED CASE REPORT\***

**(EEOC FY 2004)**

**DATE TOTAL CASES STAYED CASES TOTAL LESS STAYED**

**10/28/03 85 12 73**

**11/28/03 71 12 59**

**12/26/03 62 12 50**

**(32 investigation;**

**18 hearing/conciliation)**

**1/28/04 54 12 42**

**(27 investigation;**

**15 hearing/conciliation)**

**2/25/04 48 12 36**

**(20 investigation,**

**16 hearing/conciliation)**

**3/19/04 44 12 32**

**(18 investigation,**

**14 hearing/conciliation)**

**4/26/04 40 12 28**

**(15 investigation,**

**13 hearing/conciliation)**

**5/26/04 39 12 27**

**(15 investigation,**

**12 hearing/conciliation)**

**6/22/04 34 9 25**

**(13 investigation,**

**12 hearing/conciliation)**

**7/9/04 28 9 19**

**(9 investigation,**

**10 hearing/conciliation)**

**7/28/04 28 9 19**

**(9 investigation,**

**10 hearing/conciliation)**

**9/23/04 16 1 15**

**(5 investigation,**

**10 hearing/conciliation)**

**\*Figures reflect open cases filed between July 1, 1987 and June 30, 1999**

**Aged case load reduced in EEOC FY 2004 by 81.2%**

**AGED CASE REPORT\***

**(EEOC FY 2005)**

**DATE TOTAL CASES STAYED CASES TOTAL LESS STAYED**

**10/12/04 26 2 24**

**(8 investigation,  
16 hearing/conciliation)**

**11/18/04 21 2 19**

**(7 investigation,  
12 hearing/conciliation)**

**12/7/04 18 2 16**

**(5 investigation,  
11 hearing/conciliation)**

**1/7/05 17 2 15**

**(5 investigation,  
10 hearing/conciliation)**

**2/8/05 14 1 13**

**(4 investigation,  
9 hearing/conciliation)**

**3/4/05 13 1 12**

**(3 investigation,  
9 hearing/conciliation)**

**4/7/05 12 1 11**

**(2 investigation,  
9 hearing/conciliation)**

**5/6/05 11 1 10**

**(1 investigation,  
9 hearing/conciliation)**

**6/3/05 11 1 10**

**(1 investigation,  
9 hearing/conciliation)**

**7/5/05 7 1 6**

**(0 investigation,  
6 hearing/conciliation)**

**8/9/05 7 1 6**

**(0 investigation,  
6 hearing/conciliation)**

**9/1/05 7 1 6**

**(0 investigation,  
6 hearing/conciliation)**

**9/30/05 6 1 5**

**(0 investigation,  
5 hearing/conciliation)**

**\*Figures reflect open cases filed on or before September 30, 2000**

**Aged case load reduced in EEOC FY 2005 by 77%**

**AGED CASE REPORT\***

**(EEOC FY 2006)**

**DATE TOTAL CASES STAYED CASES TOTAL LESS STAYED**

**11/02 158**

**10/03 85**

**10/04 26**

**10/7/05 14 1 13**

**(1= investigation,  
12=hearing/conciliation)**

**11/4/05 10 1 9**

**(1=investigation,  
8=hearing/conciliation)**

**12/8/05 9 1 8**

**(1=investigation,  
7=hearing/conciliation)**

**1/9/06 7 1 6**

**(1= investigation,  
5=hearing/conciliation)**

**2/1/06 6 1 5**

**(1 = investigation,  
4= hearing/conciliation)**

**3/2/06 6 1 5**

**( 1 = investigation,  
4=hearing/conciliation)**

**4/2/06 5 1 4**

**( 1 = investigation,  
3=hearing/conciliation)**

**5/9/06 5 1 4**

**( 1 = investigation,  
3=hearing/conciliation)**

**6/15/06 5 1 4**

**( 1 = investigation,  
3=hearing/conciliation)**

**7/14/06 4 1 3**

**( 1 = investigation,  
2=hearing/conciliation)**

**8/15/06 3 1 2**

**( 1 = investigation,  
1=hearing/conciliation)**

**9/26/06 3 1 2**

**( 1 = investigation,  
1=hearing/conciliation)**

**9/28/06**

**2 1 1**

**( 1 = investigation,  
0=hearing/conciliation)**

**\*Figures reflect open cases filed on or before September 30, 2001  
Aged case load reduced in EEOC FY 2006 by 86%**

**AGED CASE REPORT\***

**(EEOC FY 2007)**

**DATE TOTAL CASES STAYED CASES TOTAL LESS STAYED**

**11/02 158**

**10/03 85**

**10/04 26**

**10/05 14**

**10/2/06 8 1 7**

**( 1 = investigation,  
6=hearing/conciliation)**

**11/6/06 7 1 6**

**( 1=investigation,  
5=hearing/conciliation)**

**12/8/06 6 1 5**

**( 1= investigation,  
4=hearing/conciliation)**

**1/10/07 6 1 5**

**( 1 = investigation,  
4= hearing/conciliation)**

**2/2/07 5 1 4**

**( 1 = investigation,  
3=hearing/conciliation)**

**3/2/07 4 1 3**

**( 1 = investigation,  
2 = hearing/conciliation)**

**4/**

**( = investigation,  
=hearing/conciliation)**

**5/**

**( = investigation,  
=hearing/conciliation)**

**6/**

**( = investigation,**

**=hearing/conciliation)**

**7/**

**( = investigation,  
=hearing/conciliation)**

**8/**

**( = investigation,  
=hearing/conciliation)**

**9/**

**( = investigation,  
=hearing/conciliation)**

**\*Figures reflect open cases filed on or before September 30, 2002**

**Aged case load reduced in EEOC FY 2007 by xx%**

**To: Commissioners**

**From: Cynthia Hiatt and Frank Gaschen, Legal Counsels**

**Re: Litigation**

**Date: March 29, 2007**

**Recent developments are in bold.**

**Aquidneck Island v. RICHR, et al.**

**This suit was brought by the plaintiff against multiple parties, alleging**

that liens have been placed on its property improperly. All liens were against Norman Cardinale. RICHR's lien was placed against Cardinale not Aquidneck and plaintiff's attorney was advised of this fact. Discovery is ongoing. Answers have been filed by the respondents.

**Babbitt v. Crescent Park Manor, et al.**

The Commission intervened as a party plaintiff in this case. Discovery is continuing. Deposition scheduled for next month.

**Bagnall v. RICHR and WLWC et al.**

The complainant appealed the Commission Decision and Order. The Commission filed the administrative record on April 12, 2006. The parties are circulating a briefing stipulation.

**DeFreitas v. Dreamhouse Mortgage et al.**

The plaintiff has served the Commission with a subpoena for all records relating to charges filed against the defendants from 1994 to date. Legal Counsel filed an objection. Legal Counsel and plaintiff's counsel agreed to effectuate the subpoena in a non-burdensome way.

**Gaffney v Town of Cumberland et al**

The respondent appealed the Commission decision. The parties and the Commission filed briefs. The case was assigned to Judge Savage. Judge Savage held a status conference with the attorneys,

including Commission counsel, on January 21, 2005. Judge Savage indicated that she was close to issuing a decision but wished to give the parties an opportunity to discuss resolution. After a number of settlement attempts, it did not appear that resolution was near. On 1/4/06, CMH wrote a letter to the parties stating that if she did not hear from them by 2/6 that the case was close to resolution, she was planning to write Justice Savage to ask her to issue her decision. Not having heard from the parties, on 2/8/06, CMH wrote Justice Savage and asked her to render her decision as it did not appear that the parties would resolve the matter. On November 30, 2006, after seeking signatures from the other parties which could not be obtained, CMH sent a letter asking Justice Savage to consider issuing a decision in the near future because of Mrs. Gaffney's age.

#### **Horn v. Southern Union Co.**

This is a case filed in federal District Court in Rhode Island. Judge Smith certified a question to the Rhode Island Supreme Court: What is the statute of limitations for the Rhode Island Civil Rights Act, Title 42, Chapter 112 of the General Laws of Rhode Island (RICRA) for employment discrimination cases. The RICRA prohibits discrimination in contracts, including discrimination in employment contracts. The Commission has joined an amicus brief, filed on March 15, 2007, that argues that the proper statute of limitations is three years. (The employer is arguing that the statute of limitations is one year.) Oral argument will take place in early April.

**Idowu v. Rhode Island Commission for Human Rights and Cohoes Fashions of Cranston, Inc.**

**The complainant appealed the Commission Decision and Order. The respondent filed a motion to dismiss the appeal on the grounds that it was filed too late. The Commission filed the administrative record on May 17, 2006. Hearing on the respondent's motion to dismiss was held on June 6, 2006. Judge McGuirl appeared to be ready to rule for the defendants, but offered Mr. Idowu the opportunity to submit more information. He accepted the offer. He retained an attorney who filed a last-minute objection to the motion to dismiss and appeared at the hearing on July 11, 2006. On this date, Judge McGuirl appeared to see the merit of complainant's argument that, even though the decision was dated, the decision did not specifically say that the date was the mailing date. [A party must appeal within thirty days of the mailing date.] However, she did not seem to feel that the document that the complainant filed within thirty-one days of the mailing date was sufficient to constitute a complaint. She will consider the matter and issue a decision on the motion to dismiss from the bench at a later date. On February 22, 2007, the complainant filed a Supplemental Memorandum of Law relating to the Motion to Dismiss in Superior Court. On February 28, 2007, the respondent filed a Response to complainant's Supplemental Memorandum.**

**Joint v. DeMarkey and Rhode Island Commission for Human Rights**  
**The individual respondent filed an appeal of the Commission Decision and Order and the Commission Decision on Attorney's**

**Fees. The Commission filed the administrative record. The briefs were filed. The appeal was assigned to Special Magistrate Joseph Keough. He rendered a decision on September 22, 2006. He held for the Commission on several procedural issues, but reversed the decision, holding that the complainant had not proved sex discrimination. He said that the respondent had waived his right to raise the issue that the charge was not timely filed. He held that the Commission complaint had given the respondent sufficient notice of the charges against him. He overturned the Commission determination that the respondent had discriminated against the complainant because of her sex, holding that it is not sex discrimination if a supervisor terminates an employee because their voluntary sexual relationship has ended. The respondent sent Magistrate Keough a proposed Judgment and Order. There is a procedure for appealing a magistrate's Order to the Superior Court for review by a Superior Court judge. The time period for that appeal is short (48 hours), so the Commission filed that appeal on September 27. The matter was scheduled to be heard on the Formal and Special Cause calendar on October 4, 2006. Justice Rogers wrote the parties a letter stating that Chief Justice Williams, in a series of monthly letters, has conferred on Magistrate Keough all the powers of a Superior Court judge and that therefore, appeal was to the Rhode Island Supreme Court. Ms. DeMarkey and the Commission filed a Petition for Certiorari and Memorandum in Support. In the meantime, Mr. Joint's attorney filed a Motion for Attorney's Fees, asking that the Superior Court order the Commission to pay Mr.**

**Joint's attorney's fees under the Equal Access to Justice Act. The parties agreed that this matter would pass until the Supreme Court acted on the Petition for Certiorari. The parties also agreed that the Commission would delay discovery, on the issue of Mr. Joint's eligibility to claim attorney's fees, until after the Rhode Island Supreme Court acted on the Petition. Mr. Joint filed for a third extension of time to file his objection to the Petition. The Commission received Mr. Joint's Objection to the Petition for Certiorari and Memorandum in Support of Objection on February 13, 2007.**

#### **King v. City of Providence Police Dept.**

**This is a case in which the Commission issued a decision finding that the City of Providence had denied Mr. King a position as a police officer because of his age. The Commission had not yet determined damages when the FUD's decision came down, so the Commission decision was not final and the respondent had the opportunity to have the case heard in Superior Court. The respondent elected to have the matter heard before the Superior Court. Ms. Hiatt has been subpoenaed to testify at the trial. The trial had been rescheduled to late September. The plaintiff was going to request another continuance; it has apparently been granted. The Commission has received no word on a new trial date.**

#### **Laboy v. Stat Health Services**

**Counsel is trying to locate respondent's officers in order to ensure**

**compliance with the Commission Decision and Order.**

**Pilkington US AGR Auto Glass Replacement and Theroux v. D'Alessio and RICHR**

**Pilkington and Mr. Theroux have filed an appeal of the Commission Decision and Order. They made a motion to stay the Commission Order. The Court denied the motion to stay with respect to the Commission's order that the respondent post the Commission poster. The Court granted the motion to stay with respect to the rest of the Order, but Commission Counsel's request that the respondent be ordered to post a bond of \$300,000 was granted. Briefs and the administrative record are due to be filed in court by May 15, 2007.**

**Ponte v. GTECH**

**The plaintiff filed a records subpoena for her case file, several named case files and any other disability charges against GTECH. The Commission provided copies of the complainant's cleared file. The Commission objected to providing any other records on the grounds that such dissemination would violate the Health Care Confidentiality Act and that redaction of the health care information would be burdensome. The hearing on a motion to compel RICHR to produce was heard 9/27. The parties agreed on an Order. Still waiting for Order to be filed in Court. Case may be settled.**

**RICHR and Butler v. Kong**

**The complainant elected to have this housing matter resolved outside**

of the Commission. AG refused to take case because of lack of cooperation from complainant. Suit was filed on behalf of the complainant and service has been effectuated. The respondents have filed an Answer. Motion to compel compliance with discovery is set for 4-2-07.

#### **RICHR and Rossi v. Attruia**

A complaint for enforcement, together with a Request for Production and Request for Admissions, was filed on 3-29-05. Judgment entered against Defendant. Payments on the judgment continue to be made on schedule. Payments now made directly to individual plaintiff.

#### **RICHR v. Cardinale**

A complaint for enforcement was filed with request for TRO which was granted. Hearing on Preliminary Inj. continued to 8/15. No service on respondent. Atty. entered for respondent and hearing was 9/29 on TRO and Motion to Attach. The hearing scheduled was continued to 1/12 at the request of defendant's attorney as the defendant was incarcerated. The hearing was held on 1/12. The parties submitted additional written arguments. Justice Thunberg has taken the case under advisement. Decision for Commission was entered.

#### **RICHR v. Cardinale, et al.**

A complaint alleging a transfer of real estate in violation of the Uniform Fraudulent Transfers Act has been filed against Norman

**Cardinale, Mary Cardinale, Newport Developments LLC, AEGIS Lending and MERS. A lis pendens was filed in the Land Evidence Records for the town of Scituate. AEGIS and MERS were served. Discovery to commence.**

**RICHR v. Cardinale, et al.**

**A complaint alleging a transfer of partnership interests in real estate in violation of the Uniform Fraudulent Transfers Act has been filed against Norman Cardinale, Mary Cardinale, Onorato Cardinale, Rebecca Anthony and Aquidneck Island Developments, LLC. Discovery to commence.**

**RICHR and Powell v. Cinotti**

**The respondent elected to have this housing matter resolved outside of the Commission. Suit was filed on behalf of the complainant and a copy of the complaint was sent to the attorney for the respondents who agreed to accept service. Answer filed and discovery was to commence. Respondent made offer to settle and the complainant agreed. Angie sent out the withdrawal with settlement form to the complainant. The respondents are seeking additional time to pay. Depositions to be scheduled as no settlement effectuated.**

**RICHR and Lovegrove v. Escolastico**

**Default was entered against the defendant. Judgment was obtained and sent to FL lawyer for collection. Affidavit executed for FL attorneys so that RI judgment can be entered in Ct. and given full**

**faith and credit. The FL attorneys have deposed Mr. Escolastico and determined that he has very few assets and a small salary. The Commission will ask the complainant to consider whether she wishes to accept small monthly payments. Settlement authorized.**

**RICHR and Morin v. Teofilo Silva, et al.**

**A complaint for enforcement, together with a Request for Production and Request for Admissions, was filed on 3-24-05. Service of the complaint will be made once respondent can be located. Motions for extended time within which to serve and for special service were filed. The motions were granted. Service has not been perfected yet.**

**RICHR and Zeigler v. Laura Sitrin, Finance Director of the City of Newport**

**Case resolved. Commission must annually monitor City training.**

**Seymour v. Harvard Pilgrim Health**

**Motion of the defendant to dismiss the complaint for failure to comply with discovery was down for hearing on May 7, 2006. Plaintiff produced discovery, case is moving forward in Court.**

**Shoucair v. Brown University**

**The RI Supreme Court recently upheld a jury finding for the plaintiff in the above-entitled case. The case involved allegations that the employer denied the plaintiff tenure because he opposed unlawful employment practices. The case follows federal precedent for**

retaliation cases. It found that it was the jury's choice to decide whether it believed the testimony of the plaintiff or the testimony of defendant's witnesses. It held that the retaliatory animus of one person in the process can be sufficient to constitute retaliation, particularly when the persons who review and approve the decision are "rubber-stamping" the decision. It held that a short period of time between the protected activity and the adverse action is evidence of retaliation. It upheld a substantial back pay award. It held that the trial justice was justified in reducing back pay by 30% and denying front pay upon finding that the plaintiff made insufficient efforts to mitigate his damages. It held that the plaintiff's testimony that the retaliation caused him back problems, erratic sleeping and anxiety was sufficient to justify an award of compensatory damages, even though he did not present expert testimony that the retaliation caused these conditions. The Court overturned the award of punitive damages [which cannot be awarded by the Commission]. The Court upheld the lower court's decision that it would NOT reinstate the plaintiff because the evidence showed that he was no longer qualified for the position. The position was that of professor of engineering and the evidence was that the plaintiff had not kept up with developments in engineering for the past ten years.

**South Kingstown School Committee et al. v. Stephen Alberghini and the Rhode Island Commission for Human Rights**

The respondents have appealed the Commission Decision and Order.

The parties have agreed that the Commission will delay filing of its

**record until motions pending before the Commission have been decided.**

### **Tucker v. Blue Cross**

**The complainant filed an administrative appeal of the Commission's finding of no probable cause. The administrative record was filed in Court.**