CEDAR RAPIDS CIVIL RIGHTS COMMISSION (CRCRC)
MEETING MINUTES
February 25, 2019 5:30 p.m.
Civil Rights Commission
50 2nd Avenue Bridge
Cedar Rapids, IA 52401

Commissioners Present:  Ms. Salma Igram, Chair
                        Mr. Keith Rippy, Vice Chair
                        Mr. Leland Freie
                        Mr. Esaie Toingar
                        Ms. Linda Topinka

Commissioners Absent:  Mr. Anthony Arrington
                       Dr. Ruth White

Staff Present:  Ms. Janet Abejo-Parker, Acting Executive Director
               Ms. Stefanie Munsterman-Scriven, Temporary Investigator
               Ms. Alicia Abernathey, Administrative Assistant

Guests:  Danielle Brazant

I. Call to Order
Commissioner Igram, Chair, called the meeting to order at 5:30 p.m.

II. Roll Call/Introductions
Commissioners, staff and guests introduced themselves.

III. Public Response
No public response.

IV. Approval of Minutes from January meeting
Commissioner Rippy moved to approve the minutes. Commissioner Toingar seconded the
motion, which was unanimously approved.

Additional discussion regarding the approval of the minutes from the January meeting took place
following the Action Items portion of the agenda, which included the following:
Commissioner Topinka stated she missed the approval of the minutes but stated there was an
error. Commissioner Topinka stated Commissioner Arrington agreed he would recuse himself
from participating in the selection of the new executive director if his search firm is selected to
handle the hiring process. Commissioner Rippy read the last sentence of “Section VI. Report from
Chair” that states “Commissioner Rippy stated Commissioner Arrington’s company will be
bidding on the RFQ and if Commissioner Arrington’s company wins the bid, he is willing to serve
as Vice Chair for business pertaining to the hiring of the Executive Director.” Commissioner
Topinka stated Commissioner Arrington verbally acknowledged he would recuse himself from the
selection process but it is not noted in the minutes.

Commissioner Rippy moved to amend the January 2019 meeting minutes to include a statement
from Commissioner Arrington that he would recuse himself from the hiring of the executive
director if his firm is selected to handle the recruitment. Commissioner Freie seconded the motion,
which was unanimously approved.
V. **Action Item**  
**Final Decision Regarding the Nelson v. Executive Estates Unit XVII HOA Case**

Janet Abejo-Parker, Acting Executive Director, stated there are two cases that require action. Ms. Abejo-Parker stated the Assistant City Attorney indicated the discussion should be in open session of the meeting as there is no cause for going into closed session. Ms. Abejo-Parker stated the two cases are separate and therefore, should be assessed separately. Ms. Abejo-Parker stated when discussing the first case, the Commission should refrain from “our attorney said” comments. Ms. Abejo-Parker stated Stefanie Munsterman-Scriven is present and she was working for the Commission at the time of the HOA case.

Commissioner Igram asked how old the HOA case was. Ms. Abejo-Parker stated the case is several years old. Stefanie Munsterman-Scriven, Temporary Investigator, stated the case was investigated in 2009. Ms. Abejo-Parker stated staff is responsible for monitoring compliance on cases. However, due to several staff transitions, compliance monitoring of this case was not addressed. Ms. Abejo-Parker stated an audit was done on compliance measures and it was determined the Nelson v. Executive Estates Unit XVII HOA case was not compliant. Ms. Abejo-Parker stated the Complainant in the case had an attorney but for some reason they never sought out the award for the case. Ms. Abejo-Parker stated Trish Kropf, Assistant City Attorney, worked to mediate the case but was unsuccessful. However, the HOA members have completed the required Fair Housing training. Ms. Abejo-Parker stated as part of compliance, $5,791.40 is owed to the Commission, which includes court costs and training costs. Ms. Abejo-Parker stated the Commission is only discussing what is owed to the Commission and not what is owed to the Complainant. Ms. Abejo-Parker stated the Commission can pursue collection of the entire amount owed to the Commission, can pursue a portion owed or can waive what is owed.

Commissioner Igram asked who comes first, the Complainant or the Commission. Ms. Abejo-Parker stated it has always been the practice to put the Complainant first in receiving an award. Commissioner Igram asked what is owed to the Complainant. Ms. Abejo-Parker stated approximately $30,000 is owed to the Complainant. Commissioner Igram stated the HOA has not paid anything and if their HOA funds are already allocated to other projects that is not the Commission’s problem. Commissioner Igram stated the HOA members need to pay what is due.

Commissioner Topinka arrived at 5:39 p.m.

Ms. Abejo-Parker outlined the options that were previously provided to the Commission including waiving the entire amount owed to the Commission and releasing the judgement for that amount, agreeing to waive a portion of the judgement if the HOA will pay the other portion, declining to waive any portion owed but agreeing not to take further action to collect from the HOA, or pursue collection of the entire amount owed. Ms. Abejo-Parker stated an additional option would be to wait to take action until there is movement on what is owed to the Complainant. Ms. Abejo-Parker stated the Commission is able to purpose and discuss other options or ideas as well.

Commissioner Rippy asked what kept the responsible party from paying the debts. Ms. Abejo-Parker stated they are not an organization like other cases but consist of several HOA members who are residents. The HOA members are not the same individuals from when probable cause was found in the case. Ms. Abejo-Parker stated the U.S. Department of Housing & Urban Development (HUD) provided input on the case and they indicated the HOA should be held accountable as an entity.
Commissioner Rippy asked what the allegations of the case were. Ms. Abejo-Parker stated the case involved an emotional support animal and a chair lift. Commissioner Igram asked if the debt owed to the Complainant was the responsibility of the Commission. Ms. Abejo-Parker stated the Commission is responsible for monitoring compliance of cases and HUD reviews compliance when conducting performance reviews.

Commissioner Rippy stated if he was the Complainant he would have gone after the money owed. Ms. Abejo-Parker stated it is unclear why the Complainant, or his lawyer, did not pursue the money owed. Commissioner Rippy asked when was the last time the case was discussed with the Complainant or his attorney. Ms. Abejo-Parker stated Assistant City Attorney Kropf worked with the Complainant, his attorney, HOA members and their attorney to address compliance. Ms. Abejo-Parker stated the HOA has looked into their insurance company covering the debt but only a small portion is covered under their insurance. Commissioner Igram asked if the Commission only addresses what is owed to the Commission, what will HUD say. Ms. Abejo-Parker stated staff can explain to HUD all actions taken by the Commission and by the City Attorney’s Office.

Ms. Abejo-Parker stated the HOA is requesting the Commission consider forgiving what is owed to it. Commissioner Igram stated if the Commission forgives what is owed, the HOA will expect the Complainant to forgive what is owed to them. Commissioner Rippy stated the Commission can leverage the situation by having the HOA meet with the Complainant and establish a payment plan and the Commission will waive what is owed to it, following completion of payments to the Complainant. Ms. Abejo-Parker stated if the Commission waives the amount owed to it, then more money is available to be provided to the Complainant. Ms. Abejo-Parker stated the Commission can request to see a good faith effort between the parties before waiving the debt.

Commissioner Igram stated there is approximately $7,800 in the HOA’s bank account and they have a lot of items they need to address but that is not the Commission’s problem. Commissioner Rippy asked what each HOA member pays each month in dues. Ms. Abejo-Parker stated the HOA receives approximately $1,080 each month in dues between 15 units. Commissioner Rippy stated the HOA can increase monthly dues to pay the debt or it can be done through a special assessment but it is the HOA’s problem to figure out.

Commissioner Toingar asked who would pay the extra money. Commissioner Rippy stated the tenants of the 15 units would pay the debt to the Complainant. Commissioner Igram stated the Complainant and HOA could renegotiate the amount awarded to the Complainant. Commissioner Toingar stated he is concerned tenants might struggle financially and an extra monthly payment could be a hardship. Commissioner Igram asked what the makeup of the tenants is and if they are low income. Ms. Abejo-Parker stated the HOA consists of people 55 years old or older. Ms. Munsterman-Scriven stated they are not low income. Commissioner Rippy stated people make a bargain when they join HOA’s that extra dues are possible and they are required to abide by them.

Commissioner Freie asked if the HOA was made up of the same tenants as when probable cause was found in the case. Ms. Abejo-Parker stated only one tenant is the same. Commissioner Freie asked if the Commission expected new tenants to take on someone else’s debt. Commissioner Rippy stated the tenants would have recourse against the previous owners. Ms. Abejo-Parker stated it does not appear this debt was brought up when any of the current tenants entered into the HOA. Commissioner Rippy stated after leaving an HOA he was required to pay a debt from something that had gone wrong from when he was a member. Commissioner Rippy suggested the Commission direct the Complainant and Respondent (HOA) to establish a payment plan and the Commission will hold the debt owed to it until the Complainant and Respondent settle and then the Commission will drop the debt.
Commissioner Rippy moved to direct the City Attorney’s Office to send a letter to the parties notifying them if they can come to an agreement on a payment amount and establish a payment plan, the Commission will hold the debt owed to it until the Complainant is paid, and when the Commission is notified of the satisfactory completion of the payment plan, the Commission will waive the fee owed to it.

Commissioner Topinka asked if it was the practice of the Commission to waive debts. Commissioner Rippy stated the Commission has consistently dropped fees owed to it when the Complainant is paid. Ms. Abejo-Parker stated each case is different. Commissioner Igram asked where fees paid to the Commission go. Ms. Abejo-Parker stated fees paid to the Commission would go into the City’s general fund account.

Commissioner Toingar seconded the motion.

Commissioner Freie asked if the Complainant and the HOA had attorneys. Ms. Abejo-Parker stated both parties have attorneys. Commissioner Igram asked if the Complainant’s attorney fees were paid from the original case. Ms. Abejo-Parker stated she did not know. Commissioner Igram asked for the timeline of the case. Ms. Munsterman-Scriven stated the case was investigated by LaSheila Yates in 2009 before moving to public hearing and then district court which was a three to four year process. Commissioner Freie asked if it was possible for the amount owed to the Complainant to be reduced. Commissioner Rippy stated anything is possible, especially in a 10 year old case. Ms. Abejo-Parker stated the Complainant was not willing to negotiate a new amount at mediation but he also was not in good health at the time. Commissioner Rippy stated the Complainant’s attorney should have pushed forward with the debt at the time it was awarded.

A vote was taken and unanimously approved.

Approval of a Small Claims Petition in the Behnke V. Subway (Mt Vernon Rd) Case
Ms. Abejo-Parker stated the history of the Behnke V. Subway (Mt Vernon Rd) case was shared in the agenda packet. Ms. Abejo-Parker stated the Commission will decide if the case should move forward in small claims court or not. Ms. Abejo-Parker stated it is more difficult to pursue payment in district court and therefore, Alex Anderson, Assistant City Attorney, recommends pursuing payment in small claims court as it is a quicker process. Ms. Abejo-Parker stated she updated the Complainant that the Commission will consider pursuing small claims court.

Commissioner Igram asked if the Complainant received any payments. Ms. Abejo-Parker stated the Complainant received one payment. Ms. Abejo-Parker stated if the Commission decided to go to small claims court it would be to pursue money owed to the Complainant and the Commission. Ms. Abejo-Parker stated Mr. Anderson pointed out mediation is required when pursuing a case in small claims court which could potentially be done in April and then would go to trial if mediation is unsuccessful. Ms. Abejo-Parker stated Mr. Anderson is confident in receiving judgement.

Commissioner Topinka stated she has concerns with subjecting the Complainant to this. Ms. Abejo-Parker stated Mr. Anderson indicated the Complainant would not need to be present in small claims court. Ms. Abejo-Parker stated Mr. Anderson and herself would be present in court. Commissioner Igram asked if all debts would be pursued. Ms. Abejo-Parker stated that was correct, along with late fees. Ms. Abejo-Parker stated the Commission would need to make two motions with the first being the approval to pursue small claims court and the second indicating who will receive the late fees.
Commissioner Freie stated he would like to abstain from discussion and voting as he originally voted against the Commission’s decision to award the Complainant money.

Commissioner Topinka moved to approve a small claims petition in the Behnke V. Subway (Mt Vernon Rd) case. Commissioner Rippy seconded the motion, which was unanimously approved with Commission Freie abstaining.

Commissioner Igram stated she believes it is illegal to charge $100 per day in late fees. Commissioner Rippy asked why the Respondent was not paying the debts. Ms. Abejo-Parker stated the Respondent indicated he is filing bankruptcy. Commissioner Rippy stated he thinks all late fees should go to the Complainant.

Commissioner Topinka moved to award all late fees to the Complainant. Commissioner Rippy seconded the motion, which was unanimously approved, with Commission Freie abstaining.

Discussion returned to the approval of minutes portion of the agenda.

VI. **Report from Chair**
Commissioner Igram, Chair, stated she met with staff in February to check in and everyone is continuing to do a great job. Commissioner Igram stated Judy Goldberg stepped down from the investigator position in August 2018 and, at the time, it was decided to postpone the hiring of a new investigator due to a light work load. Commissioner Igram stated the posting of the position was then on hold while LaSheila Yates was on leave. Commissioner Igram stated following Ms. Yates’ departure from the Commission it was decided the hiring of the investigator would wait until a new executive director was hired. Commissioner Igram stated in talking with staff it was decided staff needs help and therefore, she agreed to the hiring of a temporary investigator. Commissioner Igram stated Stefanie Munsterman-Scriven joined the Commission staff as a temporary investigator.

Commissioner Igram stated a Request for Quotes (RFQ) is currently open to select a search firm to work to hire the executive director and it will close on February 27th. Ms. Abejo-Parker stated the City will work to award the RFQ in March.

VII. **Committee Reports**

*Outreach Committee Liaison*
Commissioner Freie stated the Commission participated in a lot of activities in February including sponsoring several Black History Month events. Commissioner Freie stated the Black History Month events were well attended. Commissioner Freie identified upcoming outreach.

*Marion Civil Rights Commission Liaison*
Danielle Brazant, Marion Civil Rights Commission Liaison, stated the Marion Civil Rights Commission (MCRC) received two applications for their grant that is awarded through Tax Increment Financing (TIF) money. The MCRC voted to award Willis Dady and Catherine McAuley each $5,000 of the total $10,000 grant. Ms. Brazant stated the MCRC is looking to double the grant funding for next year. Ms. Brazant stated she will soon be relocating from Marion to Cedar Rapids and will have to step down from her role as a Marion Civil Rights Commissioner.

Commissioner Freie asked if the grant money needed to be used within a year. Ms. Brazant stated all the guidelines for the grant are on the MCRC’s website but the award recipients must show how they utilized the grant funding and it must be done within a year. Ms. Brazant stated the MCRC
expects the number of applications to be higher in years to come as more organizations learn the
grant funding is available.

VIII. Director's Report
Ms. Abejo-Parker stated Stefanie Munsterman-Scriven returned to the Commission as a temporary
investigator on February 20th. Ms. Abejo-Parker stated she would like to thank Chairperson Igram
for her support in allowing staff to hire a temporary investigator. Ms. Abejo-Parker stated the full
time investigator position was posted on Friday, February 22nd and will remain open until Friday,
March 8th, with an option to extend the posting if necessary. Ms. Abejo-Parker asked Ms.
Munsterman-Scriven to introduce herself. Ms. Munsterman-Scriven stated she worked for the
Commission from 2008 to 2015, most recently as a Senior Investigator. Ms. Munsterman-Scriven
stated she currently works for ACT and also teaches at Mount Mercy University. Ms. Munsterman-
Scriven also shared her educational background. Ms. Munsterman-Scriven stated she missed civil
rights work and was excited to be back. Ms. Abejo-Parker stated she is thankful to have Ms.
Munsterman-Scriven’s assistance and it’s helpful she already knows how things work.

Ms. Abejo-Parker stated the 5th annual Fair Housing Poster Contest launched and the deadline for
submissions is April 1st. Ms. Abejo-Parker stated 1st place winners will receive $500 in scholarship
money and categories are broken down by K-5, 6-8 and 9-12. Ms. Abejo-Parker stated immediate
family members of staff and Commissioners are ineligible to participate. Ms. Abejo-Parker stated
there are informational exhibits at the library and staff has done a lot to promote the contest.

Ms. Abejo-Parker stated she will keep the Commission updated on the investigator posting but it is
tentatively set for a representative from Human Resources and a Commissioner to join her in
conducting interviews. Ms. Abejo-Parker stated staff may participate in a second interview.
Commissioner Topinka stated she thought the posting was going to wait until the executive
director was hired. Commissioner Igram stated that was the initial plan but cases have not slowed
down and staff needs assistance. Ms. Abejo-Parker stated staff is struggling to do a full caseload as
things currently exist and soon things will be very difficult to manage. Therefore, staff thought it
would be best to act now before things got too bad. Ms. Abejo-Parker stated the Iowa Civil Rights
Commission is in a similar situation in which they have an interim director but they went ahead
and posted to hire two new investigators with their agency. Ms. Abejo-Parker stated Ms.
Munsterman-Scriven helps out as a temporary employee but she is not full time.

Commissioner Freie asked who would be involved in the executive director interviews.
Commissioner Rippy stated most likely Ms. Abejo-Parker will be involved in the interviews, unless
she applies and then it would be Bernie Walther or another staff member. Commissioner Rippy
stated staff will be involved in the process. Commissioner Topinka asked if the search will still be
conducted in the Midwest. Commissioner Rippy stated the search will be nationwide but there will
be an emphasis on searching the Midwest. Commissioner Freie asked what the deadlines were for
the recruitment firm. Commissioner Rippy stated deadlines will be set when the firm is selected
and the process will involve more input from staff and Commissioners then it did in the past.
Commissioner Igram stated the process needs staff input as it was not done previously.

IX. Adjournment
Commissioner Freie moved to adjourn the meeting at 6:52 p.m. Commissioner Rippy seconded
the motion, which was unanimously approved.

Respectfully submitted by Alicia Abernathey