

**ANNUAL REPORT**

**2014-2015**

**Lexington-Fayette Urban County  
Human Rights Commission**

*“Human rights that do not apply to everyone are not human rights at all.”*

*Volker Beck*



# About Our Great Organization

*“The Human Rights Commission has been operating in Lexington, Kentucky for more than 52 years. We are proud to be your Human Rights Commission and look forward to serving Lexington-Fayette County for many more.” ~ Ray Sexton*

The Lexington-Fayette Urban County Human Rights Commission was created by an inter-local agreement by the City of Lexington and the Fiscal Court of Fayette County in January of 1967. The predecessor of the joint Commission, the Lexington Commission on Human Rights, was created in June of 1963. The Commission was reconstituted by the charter created by the merger of the city of Lexington and Fayette County into a united urban county government.

The present Lexington-Fayette Urban County Human Rights Commission was created in 1974.

The Commission is made

up of fourteen (14) members who, as nearly as possible, make up the social, economic, cultural, ethnic, and racial groups which compose the population of Fayette County. The Commissioners serve four (4) year terms and serve without compensation. The Commission

*“Human rights are not only violated by terrorism, repression or assassination, but also by unfair economic structures that creates huge inequalities.” Pope Francis*

up of fourteen (14) members who, as nearly as possible, make up the social, economic, cultural, ethnic, and racial groups which compose

has several committees to carry out its purposes. The current committees are: Executive Committee,

*(Continued on Page 8)*

# Letter From The Executive Director.....



## LEXINGTON-FAYETTE URBAN COUNTY HUMAN RIGHTS COMMISSION

Raymond A. Sexton, Executive Director  
rsexton@lfuchrc.org



The Honorable Mayor Jim Gray  
Urban County Council Members

Re: FY 2015 Annual Report

Dear Mayor Gray and Council Members:

On behalf of the Lexington-Fayette Urban County Human Rights Commission, I am pleased to submit to you our FY 2015 annual report.

As this report shows, discrimination in employment, housing and public accommodation still persists in our community. This report details the Commission's complaint processing efforts and our attempts to combat discrimination in our community.

During the past year, the Commission has witnessed some outstanding examples of business, government and private organizations working together to develop programs to promote equal opportunity and diversity. We applaud those efforts, but recognize that we still have much to do in this area.

In establishing the Human Rights Commission in 1963, the Board of City Commissioners found "that the practice of discrimination against any individual because of race, creed or color is detrimental to the peace, progress and welfare of the city." This finding remains true today.

The Commission and its staff remain dedicated to achieving our mandated mission to prevent and eliminate unlawful discrimination and to promote the harmonious relationships among the people of our community. The information in this annual report highlights the Commission's achievements in carrying out this mandate.

We respectfully solicit your continued support and leadership in this effort, including the necessary funding and support for our programs.

Sincerely,

  
Raymond A. Sexton  
Executive Director

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The Merriam-Webster dictionary identifies the word change as  
a verb.....

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**LeTonia Jones**  
Commission Chair  
Executive Committee



**Bob Orbach**  
Commission Vice Chair  
Executive Committee



**Michael Ades**  
Treasurer  
Executive Committee



**Theresa Parks**  
Secretary  
Executive Committee

# Our Commissioners



**Alex Scutchfield**  
Commissioner



**Brenda Mannino**  
Commissioner



**Thaer Qasem**  
Commissioner



**Vibert Forsythe**  
Commissioner

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A great leader inspires confidence in other people and moves them to action.

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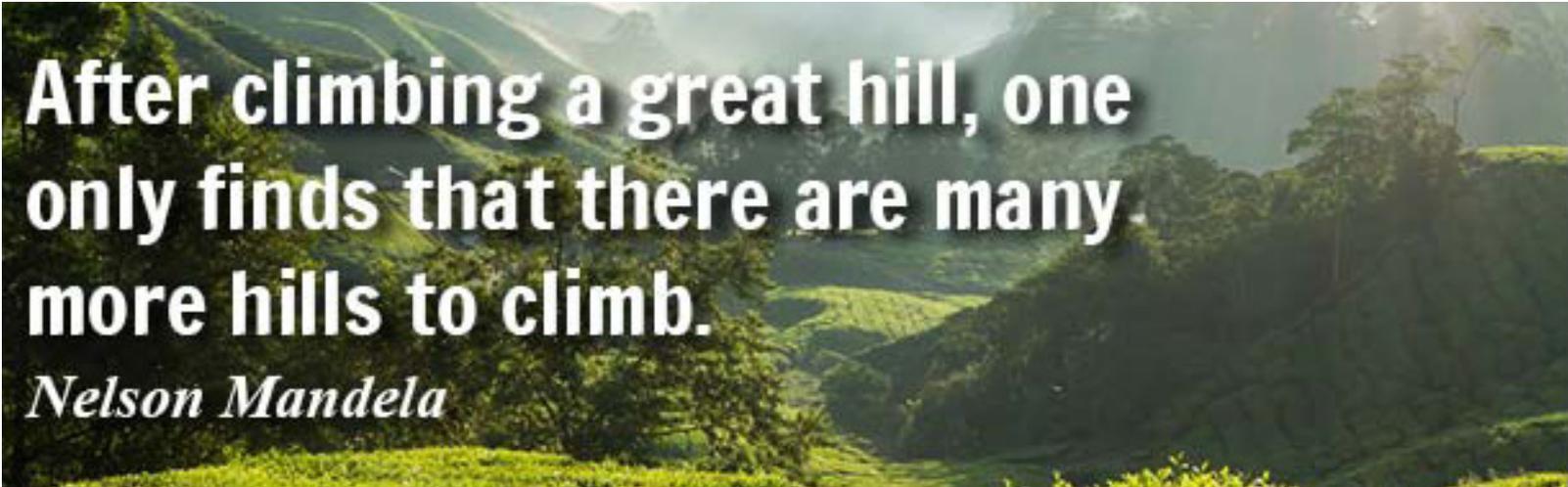
**Dr. Roger Cleveland**  
Commissioner



**James Dickinson**  
Commissioner

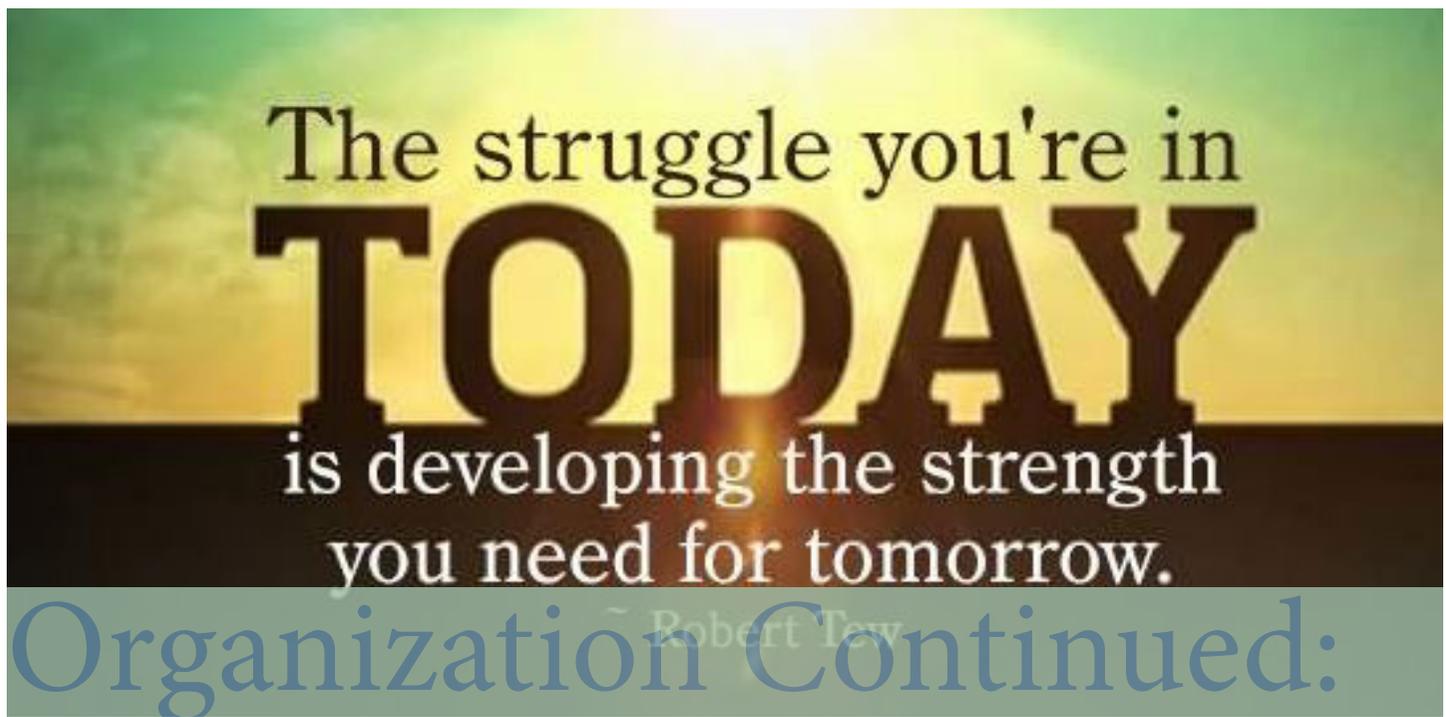


**Rev. Kenneth Golphin**  
Commissioner



**After climbing a great hill, one  
only finds that there are many  
more hills to climb.**

*Nelson Mandela*



*(Continued From Page 3)* Budget Committee, Community Relations Committee, Housing Committee and Personnel and Policy Committee. The Commission has three (3) statutory functions: To promote and secure mutual understanding and respect among all ethnic groups in Lexington-Fayette County and act as conciliator in controversies involving inter-group and inter-racial relations; cooperate with Federal, State and other local agencies in the efforts to develop harmonious inter-group and inter-racial relations and shall endeavour to enlist support of civic, religious, laborer, and commercial groups and leaders dedicated to the improvement of human relations and the elimination of discriminatory practices; and receive complaints, conduct investigations, hold hearings and make studies as will able the

Commission to carry out the purposes of the Kentucky Civil Rights Act.

The Commission is most noted for its investigative function. The Commission's staff conducts about 300 individual investigations of complaints of unlawful discrimination a year in the areas of employment, housing and public accommodations. About 80% of our investigations are employment related with race being the largest single basis of allegations. The Commission has contracts to conduct Title VII, ADEA and ADA investigations in Lexington-Fayette County with Equal Employment Opportunity Commission (EEOC) and to conduct Title VIII housing investigations for U.S. Department of Housing and Urban Development (HUD).

In addition to the above, the Commission has an active community relations program. The Commis-

sion's staff has a wide range of informational and educational programs individually designed for an employer, housing provider or the general public. These programs include topics such as sexual harassment, how to answer a complaint, fair housing, real estate sales, ADA, conflict resolution, prejudice reduction, and can also be customized to fit individual needs.

The Commission meets the third Monday of each month at 5:30 p.m. and meetings are open to the public and can be found in the events section of the website.

### **OUR PURPOSE**

It is the purpose of the Lexington-Fayette Urban County Human Rights Commission to safeguard all individuals within Lexington-Fayette County from discrimination because of race, color, religion, national origin, sex, age, disability, familial status and sexual orientation/gender identity in connection with employment, housing and public accommodations.

The Lexington-Fayette Urban County Human Rights Commission shall serve as an investigative, consultative, educational, persuasive, and enforcement agency in order to guarantee equal opportunity for all people of the city of Lexington and Fayette County.

### **FAIR HOUSING**

The Commission serves as a supporter of affordable and fair housing for all in Lexington-Fayette County. The Commission is involved in many collaborative efforts with various organizations that support fair housing.

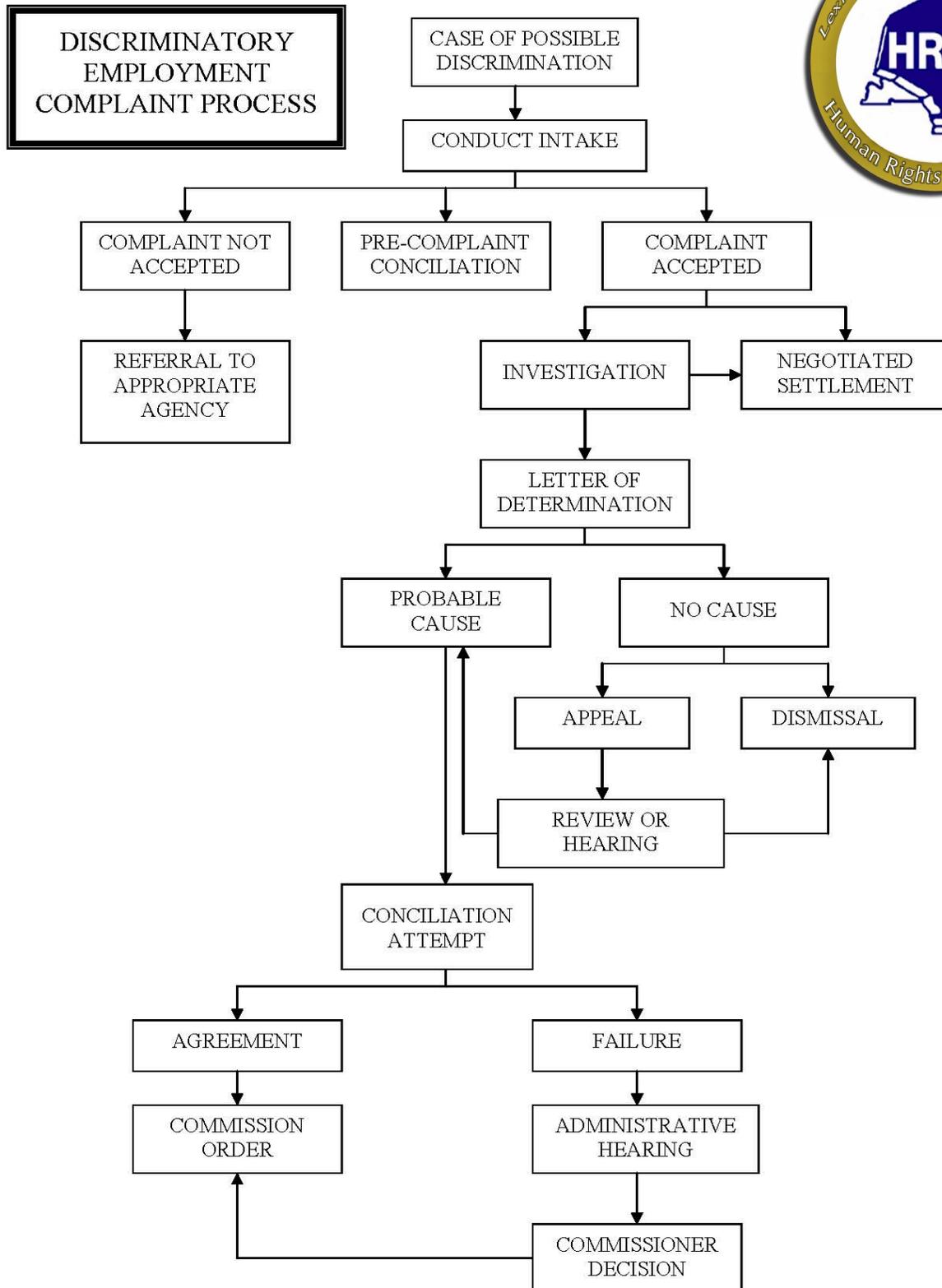
### **Brutal Use of Force for Cops in USA Makes Top Ten Most Reported News on ABC News**

Violent riots broke out in the St. Louis suburb of Ferguson this August after an unarmed teen named Michael Brown was fatally shot by a police officer. Witnesses allegedly stated that Brown had his hands up at the time of the shooting -- which was later disputed by police officer Darren Wilson -- added to the fury. A grand jury decided not to indict Wilson on criminal charges.

Ten days later, a New York grand jury also decided not to indict a police officer in the death of Eric Garner, a black man in Staten Island who put in an apparent choke hold by a white police officer after Garner was allegedly caught selling loose cigarettes. These cases and others prompted national protests demanding an end to aggressive use of force by police.

The debate took a turn when a man fatally shot two NYPD officers in Brooklyn on Dec. 20 while they were parked in their patrol car before shooting himself. The investigation into the shooting determined that the man had posted threats to police on his Instagram account shortly before the shooting, specifically citing Michael Brown and Eric Garner. Both Brown's and Garner's families spoke out condemning the attack.

**Source: ABC.COM**



# COMPLIANCE

The compliance team is made up of two investigators, the office manager, the commission attorney and the executive director. The primary function of this team is to investigate discrimination complaints in employment, housing, and public accommodations based on race, color, age, sex, national origin, disability, religion, familial status and sexual orientation/gender identity. In addition to the enforcement of anti-discrimination laws, team members also participate in community outreach, public events, education, and conduct trainings, by request.

Our anti-discrimination process begins when an aggrieved party comes through the door, submits an online questionnaire, or calls and speaks with one of our investigators. An investigator then receives their preliminary information, and makes a decision as to whether or not the case is jurisdictional. Every case we investigate must fall into one of seven protected categories, or classes. Once we determine jurisdiction of the complaint, a structured interview process begins. After the initial interview, the Charging Party signs a form that is then mailed out to the appropriate Respondent, at which point begins the investigation process. The named Respondent then answers this complaint with a “position statement.” The Charging Party is then called to return to our office to “rebut” the arguments of the Respondent under possibility of pretext. This generally leads to an additional request for information from

the Respondent based upon the additional facts presented by the Charging Party at their time of rebuttal. Upon receiving all relevant information, the Investigator then makes an informed decision as to whether or not discriminatory intent can be proven by a “preponderance of the evidence.” Throughout the course of our process, Investigators pursue the possibility of a settlement with Charging Parties and Respondents. If such a settlement cannot be reached, an Investigator will issue a “Probable Cause” or “No Probable Cause” recommendation, and submit it for review to the Executive Director. At this point, depending on our agency’s determination, a Charging Party may appeal a “No Probable Cause” determination. If a “Probable Cause” determination is made then we will proceed into mediation efforts. If mediation efforts fail to resolve a “Probable Cause” determination, the staff attorney then receives the complaint to pursue in an administrative or civil action.



# Black Lives Matter Even in Lexington

It has been a year of change not only for Lexington, but for the nation. In 2014 we watched two grand juries, one in Ferguson, Missouri and one in New York City, hand down two not guilty verdicts against the police officers who killed Mike Brown and Eric Garner, both whom were unarmed black men. The controversy sparked massive protests, and gave life to the Black Lives Matter movement. The shock and anger was felt nationwide and in Lexington community members made it clear that those types of incidents shouldn't be happening in our nation, but that it would not be tolerated in Lexington.

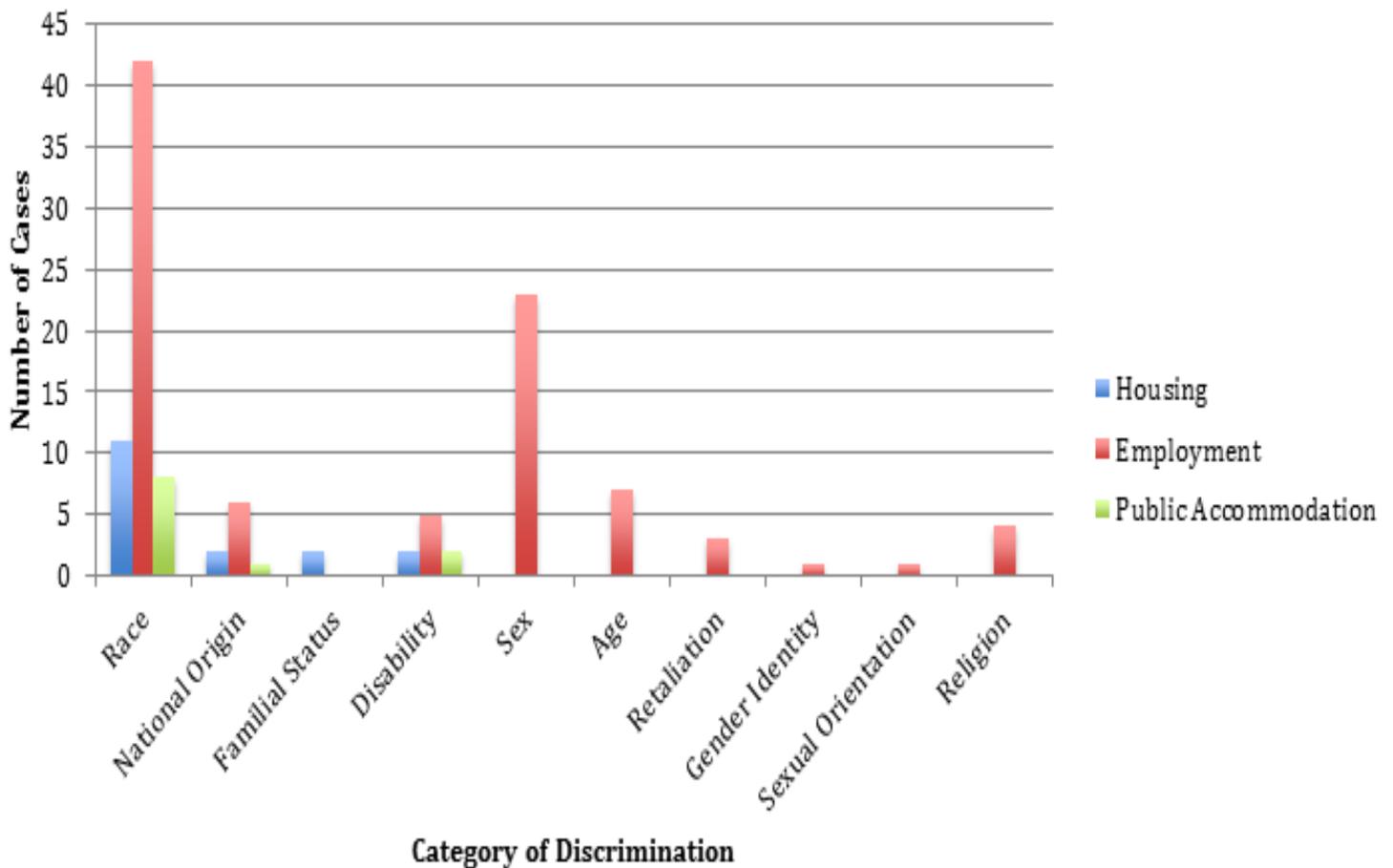
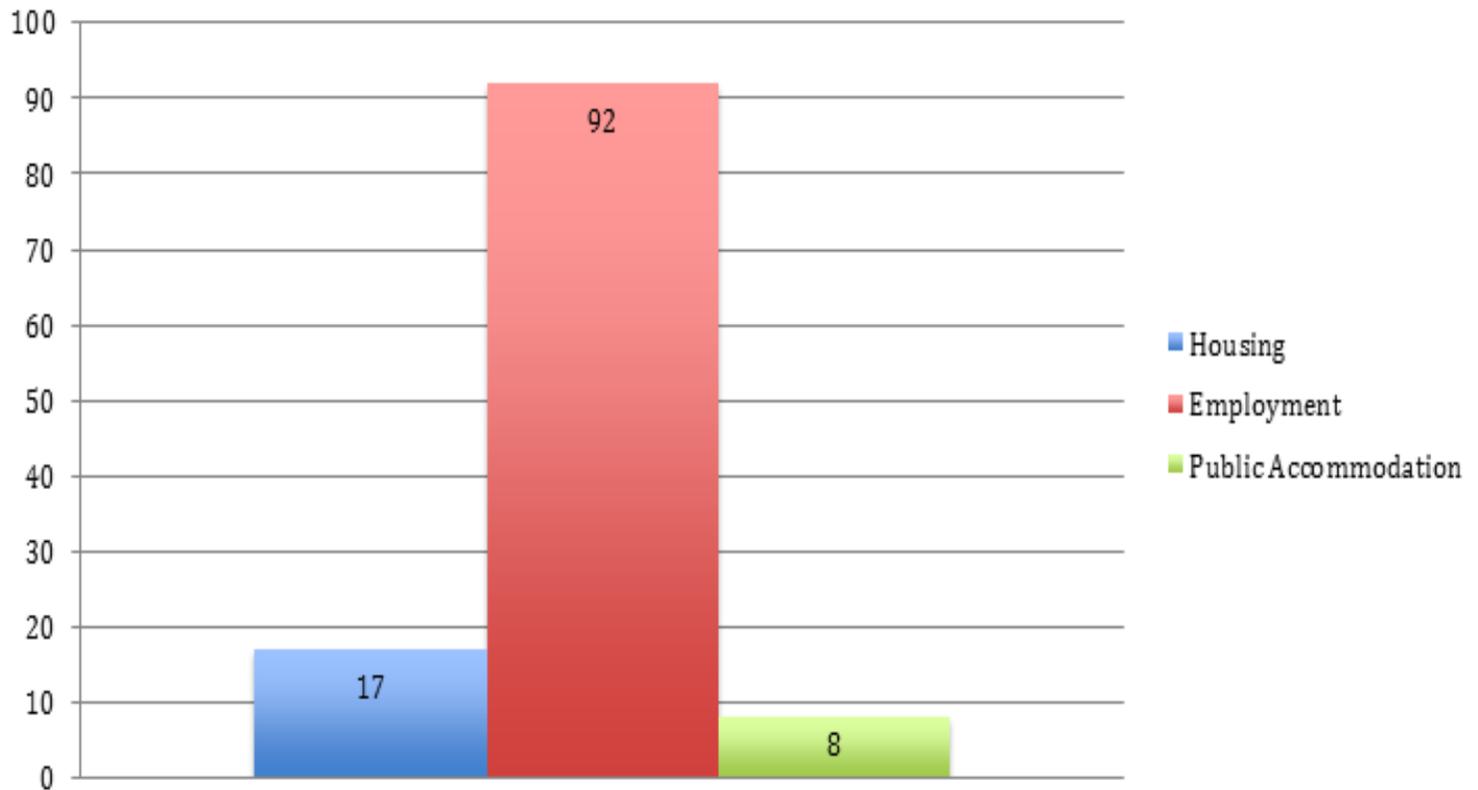
In Lexington, there were several groups that took to the streets in protest in order to show their support of the movement. Groups such as the Kentuckians for the Commonwealth and the NAACP were leaders of the Black Lives Matters movement here in Lexington. They held protests, die-ins, community meetings, and more. They made their voices heard throughout Fayette County.

In this region here has been no voice louder than that of Versailles , Kentucky native, Jeffrey “Shaun” King. King has written extensively about incidents in the Black Lives Matter movement, gaining prominence during the events following the shooting of Michael Brown. King wrote an article analyzing the Brown crime scene, and argued that the evidence suggested that officer Darren Wilson’s life was not in danger during the shooting.

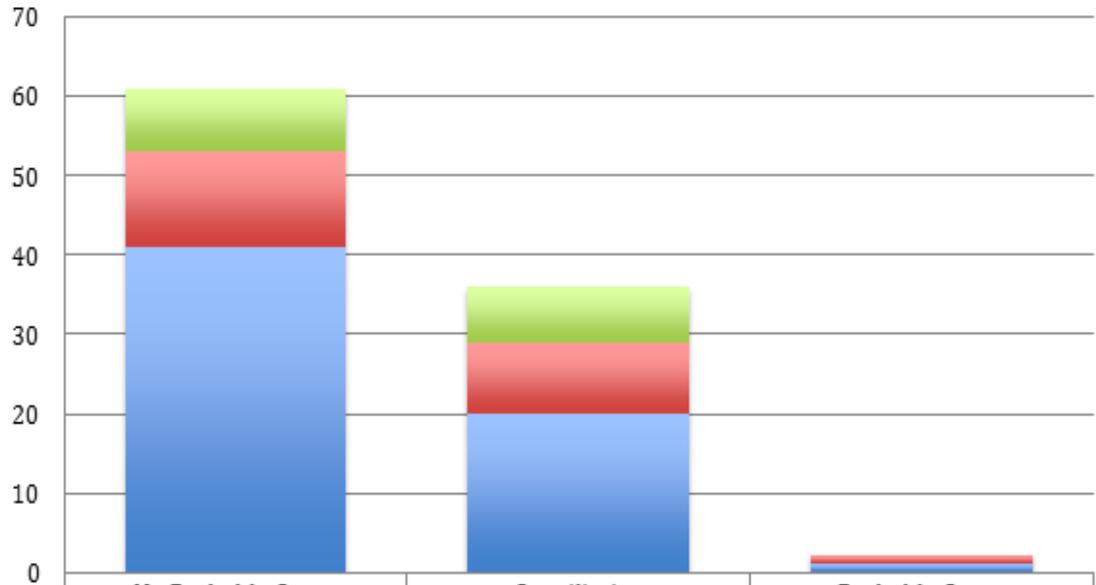
King became a contributing blogger for the politically liberal website The Daily Kos in September 2014, and in August 2015, he launched Justice Together, an organization to identify police brutality and lobby local politicians for change. King has also been vilified in the media over the last year, with allegations of not being “black”. King denies these claims and has turned the story around, to show just how far people will go to quiet an activist.

Sources” CNN, WKYT, Wikipedia, S.K. blog

## Cases Filed

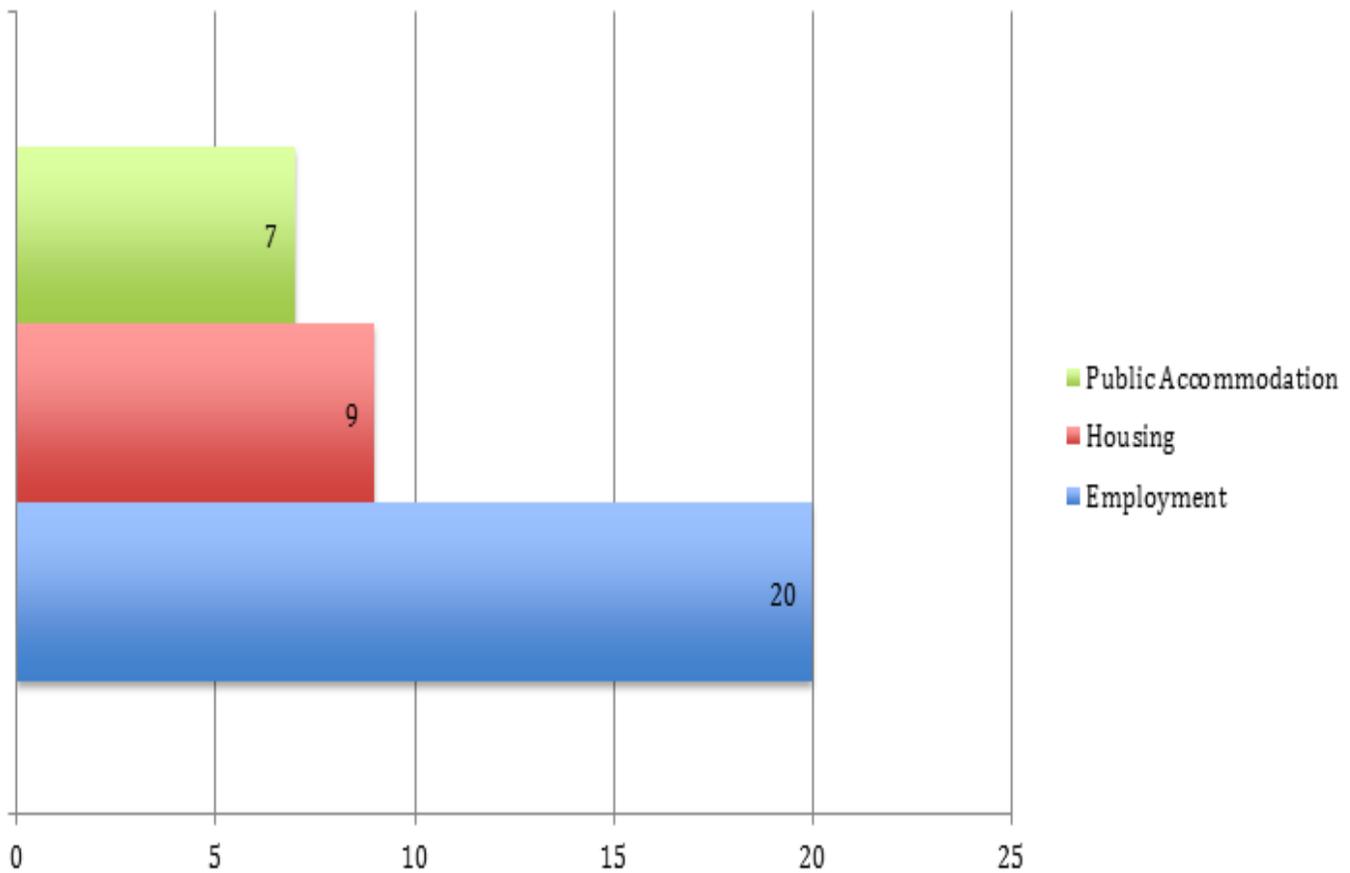


### Closures

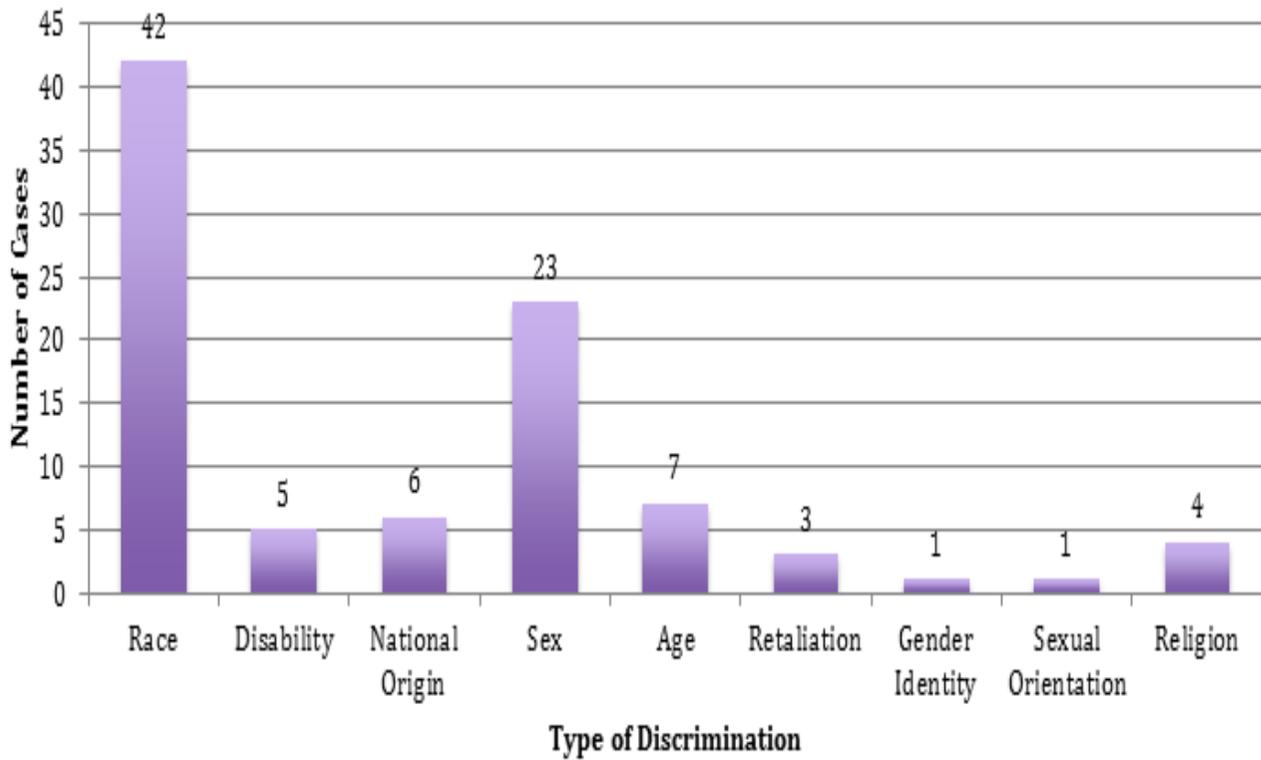


	No Probable Cause	Conciliation	Probable Cause
Public Accommodation	8	7	0
Housing	12	9	1
Employment	41	20	1

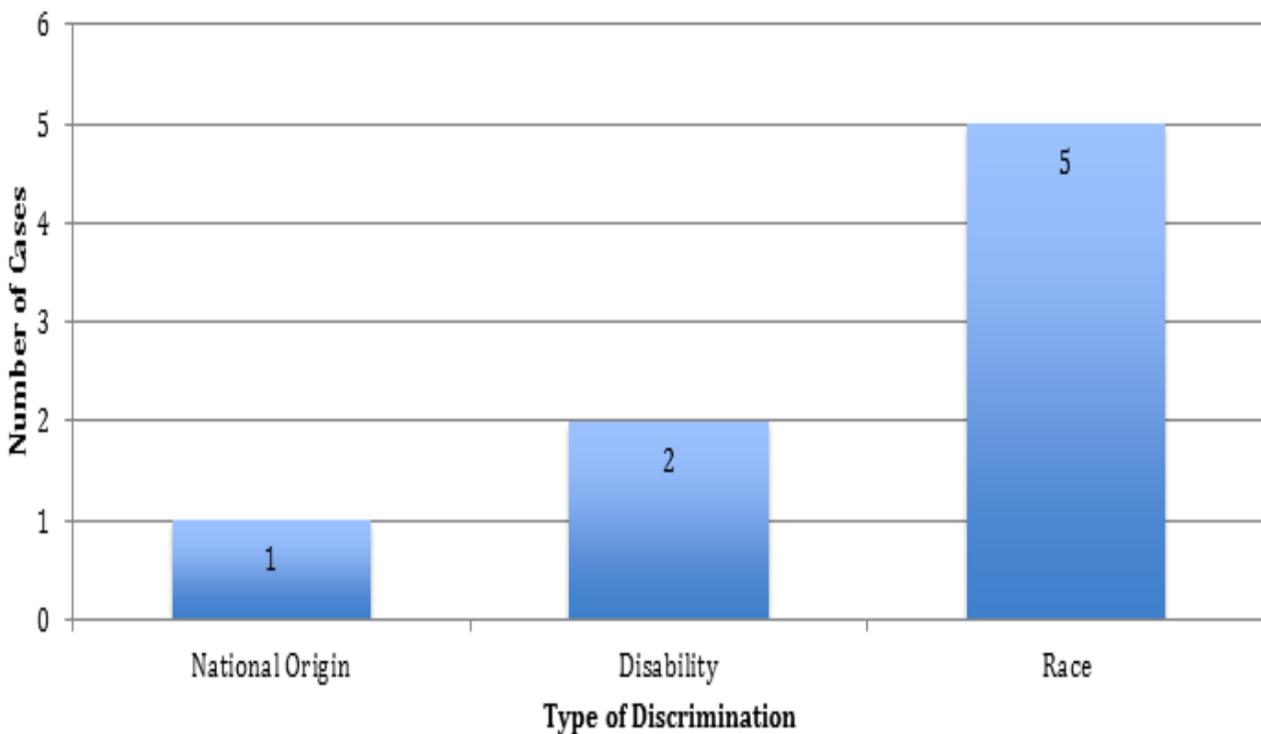
### Settlements



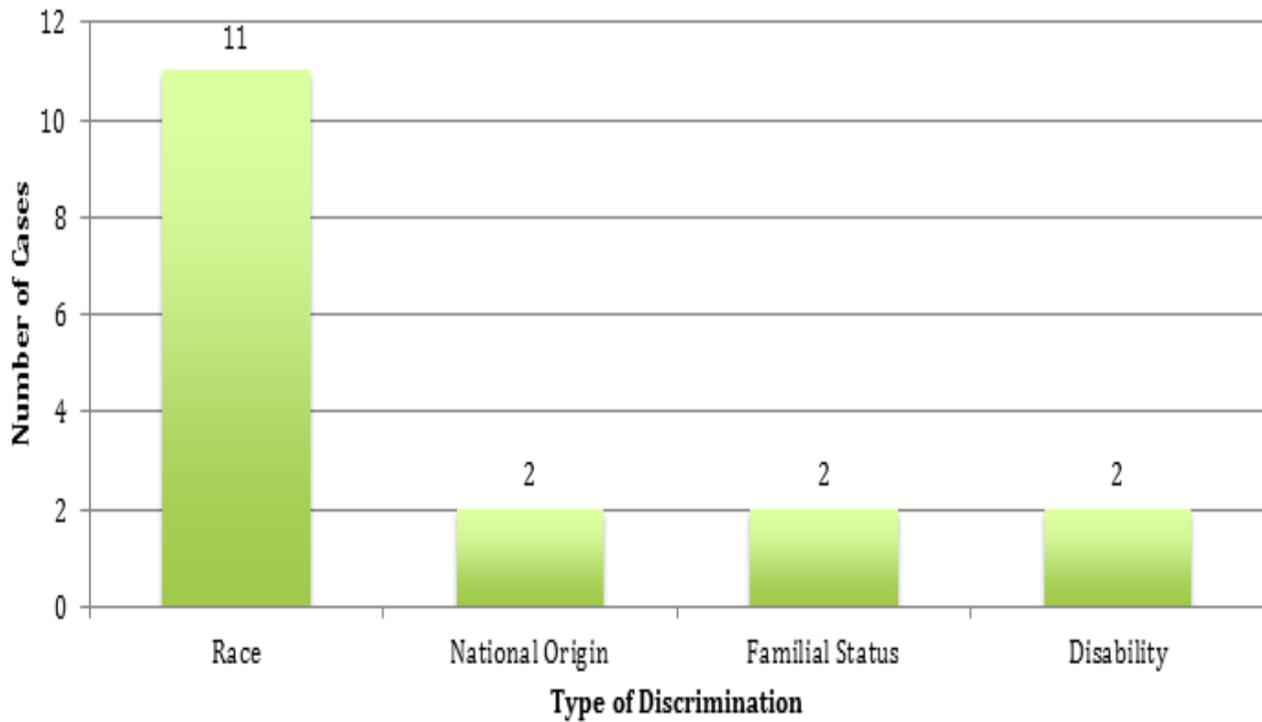
### Employment Cases



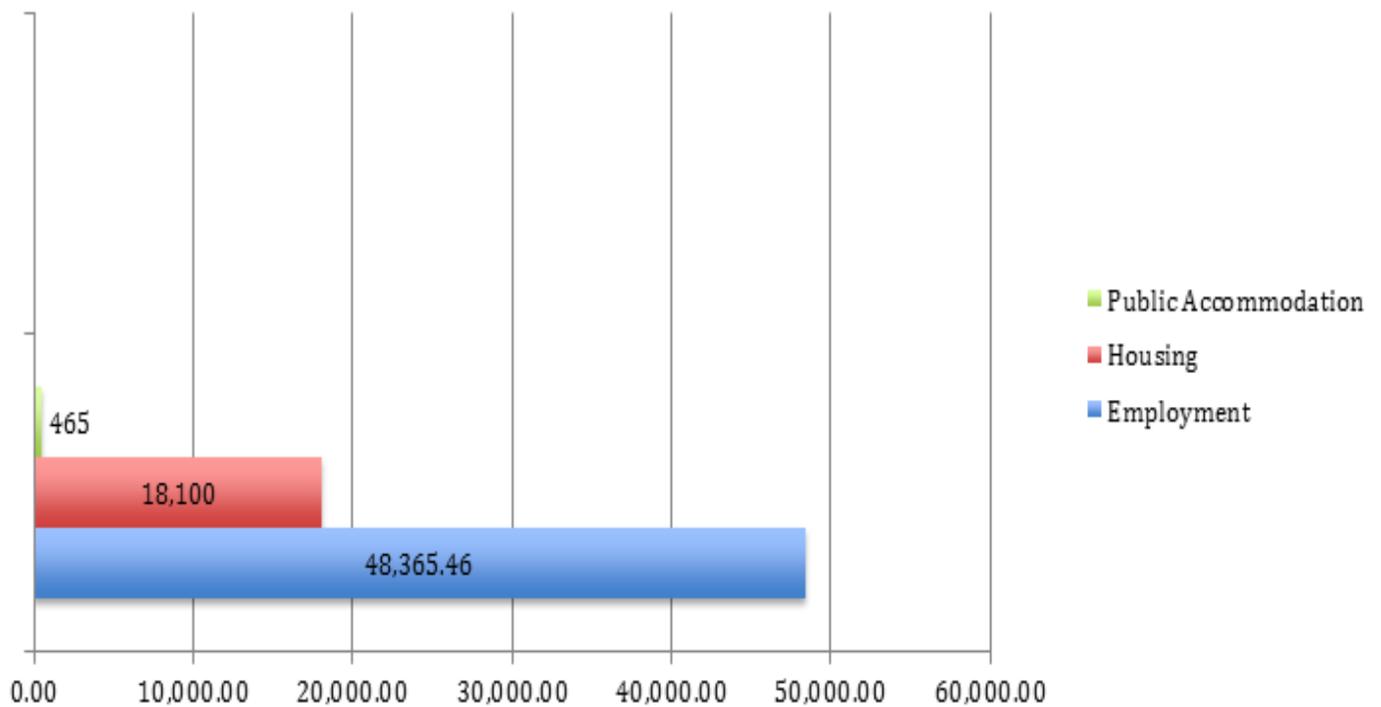
### Public Accommodation



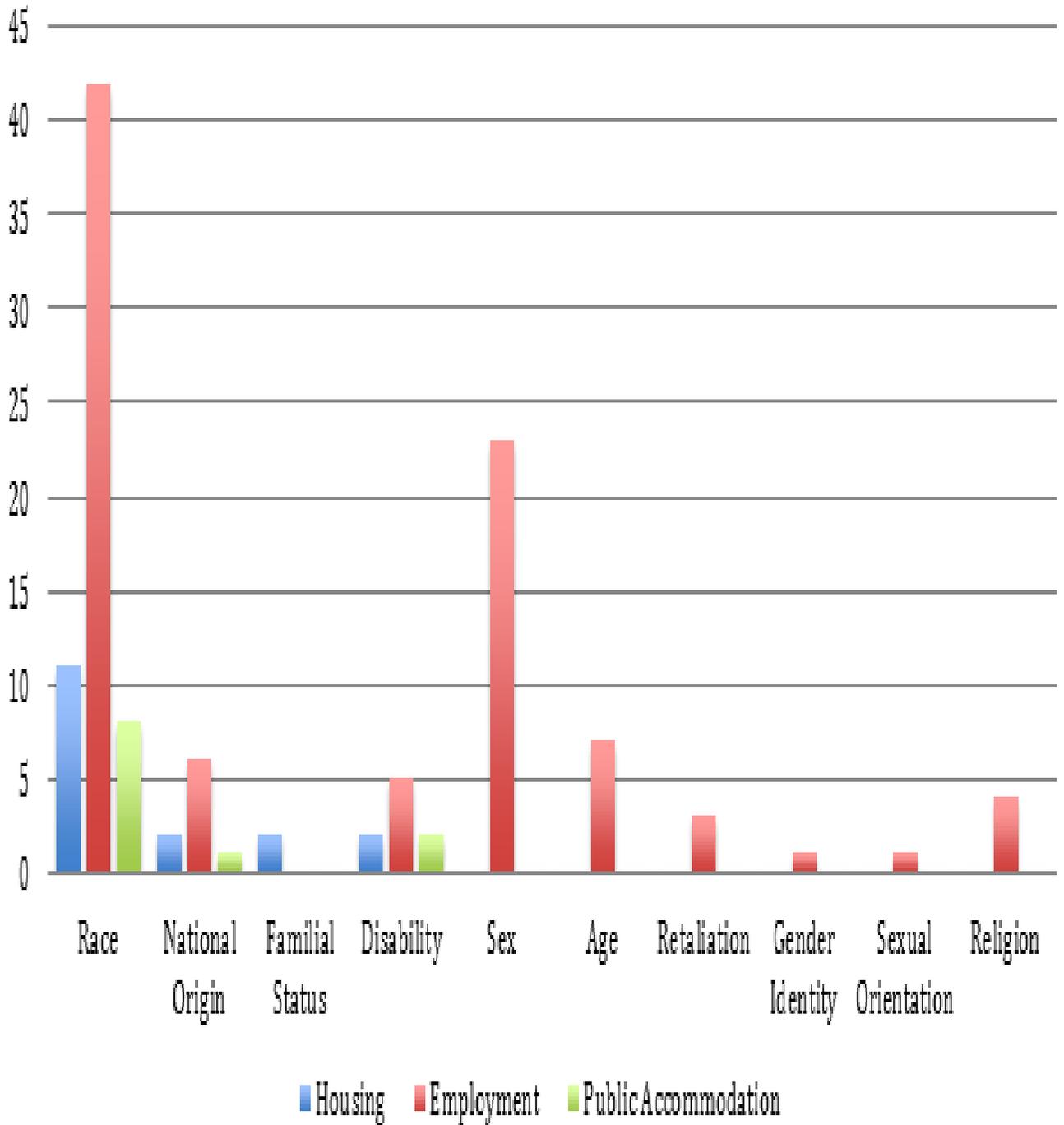
### Housing Cases



### Settlement Damages (in dollars)



# Cases by Category



# SCOTUS, Says “I Do” to Same-Sex Marriage

WASHINGTON — In a long-sought victory for the gay rights movement, the Supreme Court ruled by a 5-to-4 vote on Friday that the Constitution guarantees a right to same-sex marriage.

“No longer may this liberty be denied,” Justice Anthony M. Kennedy wrote for the majority in the historic decision. “No union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice and family. In forming a marital union, two people become something greater than once they were.”

Marriage is a “keystone of our social order,” Justice Kennedy said, adding that the plaintiffs in the case were seeking “equal dignity in the eyes of the law.”

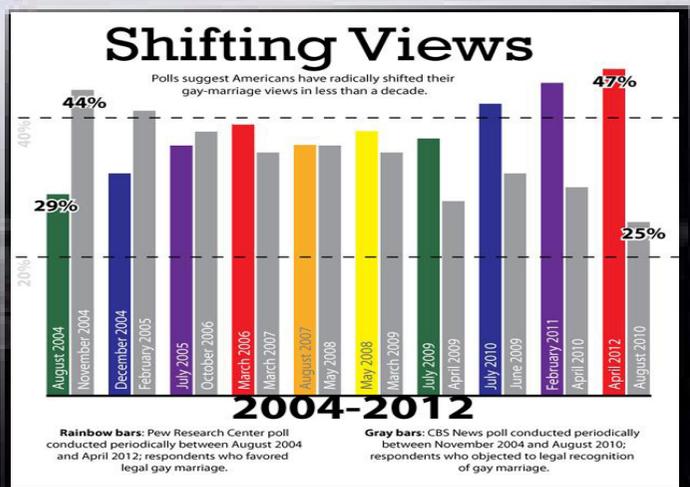
The decision, which was the culmination of decades of litigation and activism, set off jubilation and tearful embraces across the country, the first same-sex marriages in several states, and resistance — or at least stalling — in others. It came against the backdrop of fast-moving changes in public opinion, with polls indicating that most Americans now approve of the unions.

The court’s four more liberal justices joined Justice Kennedy’s majority opinion. Each member of the court’s conservative wing filed a separate dissent, in tones ranging from resigned dismay to bitter scorn.

In dissent, Chief Justice John G. Roberts Jr. said the Constitution had nothing to say on the subject of same-sex marriage. “If you are among the many Americans — of whatever sexual orientation — who favor expanding same-sex marriage, by all means celebrate today’s decision,” Chief Justice Roberts wrote. “Celebrate the achievement of a desired goal. Celebrate the opportunity for a new expression of commitment to a partner. Celebrate the availability of new benefits. But do not celebrate the Constitution. It had nothing to do with it.”

In a second dissent, Justice Antonin Scalia mocked the soaring language of Justice Kennedy, who has become the nation’s most important judicial champion of gay rights. “The opinion is couched in a style that is as pretentious as its content is egotistic,” Justice Scalia wrote of his colleague’s work. “Of course the opinion’s showy profundities are often profoundly incoherent.” As Justice Kennedy finished announcing his opinion

from the bench on Friday, several lawyers seated in the bar section of the court's gallery wiped away tears, while others grinned and exchanged embraces Justice John Paul Stevens, who retired in 2010, was on hand for the decision, and many of the justices' clerks took seats in the chamber, which was nearly full as the ruling was announced. The decision made same-sex marriage a reality in the 13 states that had continued to ban the laws.



**SAME SEX MARRIAGE IS VOTED INTO OFFICE .  
VIEWS ARE SHIFTING.  
JUNE 2015**

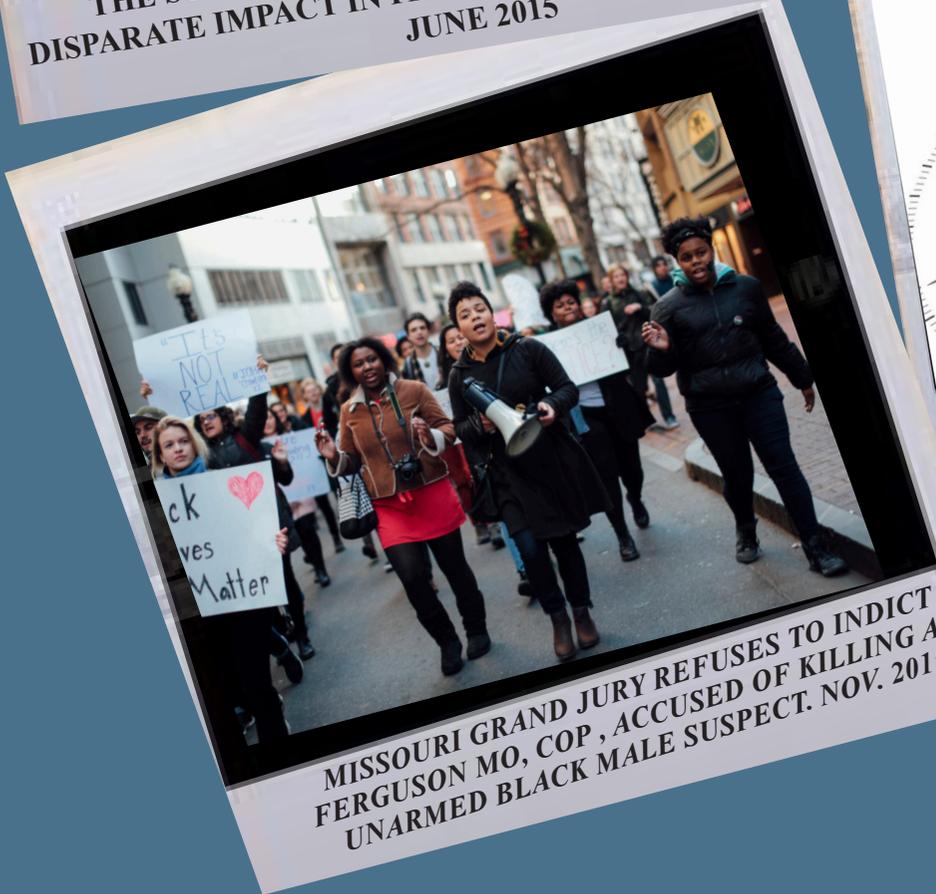
## LEGAL IMPACT (A FEW GOOD CHANGES)

- 1. Social Security -** The spousal benefit, Social Security survivor benefit, now same sex couples also qualify for the one-time payment of \$255 that the Social Security Administration gives to surviving spouses to help with expenses like burials.
- 2. Health benefits:** Although 66% of Fortune 500 companies previously extended health benefits to employees' same-sex partners, that lead to higher taxes for both the employee and employer in most cases.
- 3. Income tax:** Filing taxes has been tricky for same-sex couples -- especially for those who tied the knot, but live in a state that doesn't recognize same-sex marriage. Not anymore!

# 2014 - 2015 BRE



THE SUPREME COURT RECOGNIZES BUT LIMITS DISPARATE IMPACT IN ITS FAIR HOUSING ACT DECISION. JUNE 2015



MISSOURI GRAND JURY REFUSES TO INDICT FERGUSON MO, COP, ACCUSED OF KILLING AN UNARMED BLACK MALE SUSPECT. NOV. 2015



EEOC FILED A LAWSUIT CHARGING DISCRIMINATION AGAINST A COMPANY WITH DISCRIMINATION AGAINST AND PARTIALLY DEAF



O DELA IN

# MAKING NEWS



**NATIONAL FOOTBALL LEAGUE DROPS THE BALL ON DOMESTIC VIOLENCE AND OTHER ISSUES! FEBRUARY 2014.**



**OBAMA'S EXECUTIVE ACTION DELAYS DEPORTATION OF 5 MILLION IMMIGRANTS. FEBRUARY 2014**



**SUPT. CHARGING FEDEX AGAINST THE DEAF**  
OCT. 2014



**SUPREME COURT HEARS ARGUMENT EXPLORING RELIGIOUS STEREOTYPES, EMPLOYMENT DISCRIMINATION AND SYMBOLISM. FEB. 2015**

# Letter From The Chair .....

Greetings All:

The Merriam-Webster dictionary identifies the word change as a verb and defines it to mean to become different, to make (someone or something) different, and to become something else. As a nation, we have indeed become different. We are now a nation who recognizes marriage equality, allows individuals to serve in our military without regard to sexuality or gender identity, and encourages young girls and women to pursue careers in science, technology, engineering, arts, and math. We are a nation who has changed its mind about access to health care. We are even beginning to have conversations about the negative impact of incarceration and inhumane drug laws on marginalized communities.



In our own community here in Lexington, we also find ourselves changing. We can look around our downtown area and see construction in the heart of the city. We can see signs of growth. We are beginning to see the development of entertainment, arts and food districts. Our city is attracting major international events such as The Equestrian Games and The Breeder's Cup. The historic Lyric Theater is alive and thriving. We are having conversations about food justice, gentrification, educational equity, and the appropriate placement of monuments that remind many of us of a segregated and racist past. All of these issues are evidence of change and show a desire for us to become something else.

As we strive to become something else, we cannot talk about change without talking about human rights. At the core of change is a desire for dignity. Nationally, we want to be more dignified and more humane. Locally, we want the same. As individuals, we want to know we matter and that we are seen as valuable. One of the earliest uses of the term, "human rights" is attributed to former slave, Frederick Douglas as he talked about the fundamental rights slaves at a time when America refused to recognize neither their rights nor their humanity. Eventually, change came and the institution of slavery came to an end. It came to an end because slaves demanded they be seen as humans and treated with dignity.

Although we have made great strides and changes have occurred over time, there is still much work to do. As we constantly work toward change, we must always remember to keep humanity and the dignity of all at the forefront. It is the only tool that has ever yielded true results.

In peace,

LeTonia A. Jones, Chair

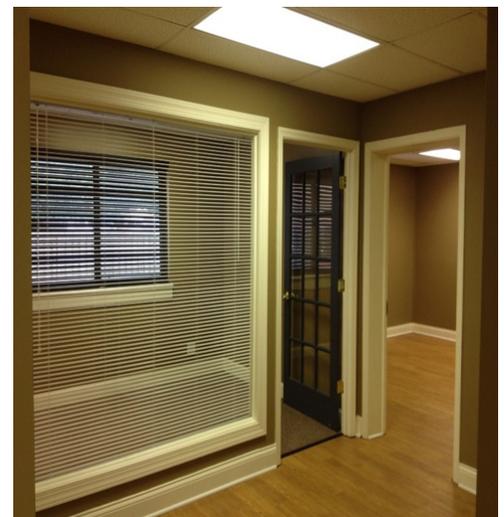
# On The Move....



The Lexington-Fayette Urban County Human Rights Commission has relocated after 30 years in the County Clerk building. The new facility, which is located at 342 Waller Ave, opened its doors to the public on December 1, 2014. The Lexington-Fayette Urban County Human Rights Commission found its home in the County Clerk building in 1985 after a brief stay on Upper Street in Lexington, KY. It is from the original building that they fought for the 1999 Fairness Ordinance, and it is from that office that they continued to fight for all Fayette County residents for the next 50 years.

“It was a hard decision to move, because we have so much history in this location. However, after conducting a brief analysis of where most of the

complaints come from we realized we needed to be located in a more central location,” stated Raymond Sexton, Executive Director of the Lexington-Fayette Urban County Human Rights Commission. The new location has many benefits including free parking at the new facility, “which was one of the major complaints that we received after the city finished with the new Helix garage. Before the garage was built, we could validate parking, however, with the new parking system that was not possible. We need to make sure we have as few barriers as possible.” The new facility also has increased security, is on the first floor, on a bus line and has ample space to extend programming and training options. It is very important to the Commission to have a safe and affordable place for anyone who needs access to our services. No one should feel as though they can’t visit our office because they cannot afford the garage fees. All of the benefits at the new facility are very important in making sure that the Commission is able to serve all individuals in this community.



# Commission Staff



Executive Director  
Ray Sexton



Investigator I  
D' yana Dillard



Community Relations  
Astarre' D. Gudino



Commission Attorney  
Edward Dove



Investigator II  
Marjorie Gonzalez



Senior Office Manager  
Tami Reed

# Community Outreach

## Awareness and Outreach

Community outreach has truly become part of the office environment at the Lexington-Fayette Urban County Human Rights Commission during the 2014-2015 calendar year. By combining efforts and a lot of planning, the Human Rights Commission revved up its outreach this year and increased event participation by more than fifty-percent. The Commission wrapped up its Rent to Me Marketing campaign in February and immediately began a new radio campaign that continues to increase the awareness of the Human Rights Commission.

The Lexington-Fayette Urban County Human Rights Commission was represented at over 198 different events and meetings throughout Lexington, Frankfort, Georgetown, Indianapolis, and Louisville this fiscal year. “Funding isn’t always available to take everyone everywhere, but when we can, we make sure we get out and support



**COFFEE WITH THE CHIEF**  
**Initiative started in 2015 to allow community members to have a causal conversation with the Chief of Police in a coffee house setting.**

our partner agencies. There is no better way of learning, than through each other’s experiences” stated Raymond Sexton. Astarre Gudino, Community Relations Coordinator agrees, adding that “Training and education is the only way to fight discrimination and empower the residents of Lexington-Fayette County.”

In the last year we have seen several major victories such as the removal of the Confederate flag, from the South Carolina capitol building, the indictment of several officers, due to the push of the #Blacklivesmatter Campaign, and the Supreme Court passing the same sex marriage bill. It is the Commission’s goal to educate everyone on their rights and how these laws will and can protect them.

# Community Outreach

One way the Commission educates the community is through its trainings. They offer free individualized training to businesses and to the general public. All of the workshops can be tailored to fit your companies or organizations individual needs.

Training and education is the only way to fight discrimination and empower the residents of Lexington-Fayette County. In the last 50 years, the community has seen several major victories such as the 1999 Fairness Ordinance as well as major losses such as HB 279. The Commission's goal is to educate everyone on their rights and how these laws and future laws will effect their human rights.

## TRAININGS AVAILABLE

### FAIR HOUSING

- What is the fair housing law?
- What is covered/prohibited?
- Issues in fair lending.
- Issues in insurance red-lining.
- Issues related to rental (selection process, evictions, terms and conditions, familial status, disability etc.)
- How to respond to a complaint of discrimination.

### TITLE VII AND ADEA

- What are the employers responsibilities and obligations?
- How to limit liability.
- Current legal and workplace trends.
- How to conduct investigations.
- How to respond to a discrimination complaint.
- How to avoid discrimination charges.

### SEXUAL HARASSMENT

- How to recognize sexual harassment.
- The employers and supervisors responsibilities.
- How to conduct an investigation.
- Avoiding liability.
- How to write a sexual harassment policy.
- Current legal and workplace trends.

***ALL TRAININGS CAN BE CUSTOMIZED TO FIT THE NEEDS OF ANY INDIVIDUAL OR ORGANIZATION IN FAYETTE COUNTY***



### **25TH ADA CELEBRATION**

**COMMUNITY MEMBERS AND PARTNERS GATHER TO CELEBRATE THE 25TH YEAR OF THE AMERICANS WITH DISABILITIES ACT**

# Community Outreach

## AMERICANS WITH DISABILITIES

### ACT OF 1990

- What is it?
- What topics are covered?
- Who is protected?
- What employment decisions are covered?
- What can I ask during an interview?
- Which actions constitute employment discrimination?

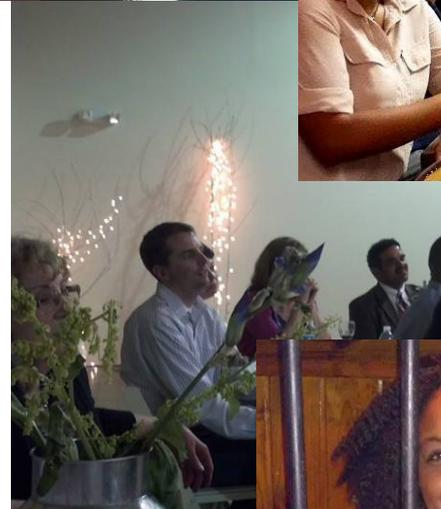
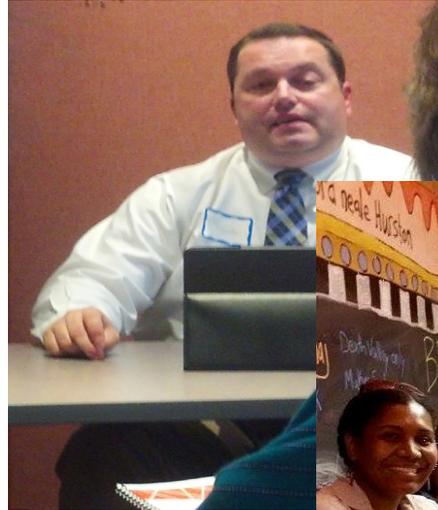
## HUMAN DIVERSITY/PREJUDICE REDUCTION

- Develop a greater awareness, understanding and recognition of prejudice.
- Develop a greater understanding of the impact of prejudice on the work environment and in a social context.
- Explore the dynamics of reducing prejudice and welcoming diversity.

## CONFLICT RESOLUTION

- Learn to identify misunderstandings in a conflict situation.
- Learn to identify what each person brings to a conflict situation.
- Learn 14 methods for dealing with conflict.
- Learn strategies for dealing with difficult people.
- Identify the anatomy of an argument.
- Acquire skills needed for effective mediation.

*In 2014-2015 we conducted training for more than 10 agencies in Lexington - Fayette County, Including both profit and non-profit agencies.*



# ADA 25TH



According to ADA.gov, Twenty-five years ago, through the Americans with Disabilities Act (ADA), our nation committed itself to eliminating discrimination against people with disabilities. The U.S. Department of Justice's Civil Rights Division is proud to play a critical role in enforcing the ADA, working towards a future in which all the doors are open to equality of opportunity, full participation, independent living, integration and economic self-sufficiency for persons with disabilities. In honor of the 25th anniversary of the ADA, the Department of Justice highlighted

efforts that opened gateways to full participation and opportunity for people with disabilities.

On July, 30, 2015 the Commission had a public forum to celebrate 25 years of the ADA . The forum consisted of a panel of experts from the for-profit and nonprofit sectors, discussing the ADA then and now, the Lexington program was held at LexArts, in downtown Lexington, Kentucky and was attended by over 100 community and business members, along with experts from EEOC Indianapolis, local firms, and the University of Kentucky.

# ADA 25TH



# ADA 25TH



## Come Celebrate with Us

**ADA 25**  
 AMERICANS WITH  
 DISABILITIES ACT  
 1990-2015

July 30th  
 1:00-3:00 p.m.  
 Doors Open at 12:30  
 LexArts  
 161 N. Mill Street  
 Free and open to the public

Come join the Lexington Human Rights Commission as we celebrate 25 years of the Americans with Disabilities Act. This event will feature presentations by experts from the non-profit, government and employment sector. This event is made possible with funding by the US Equal Employment Opportunity Commission. The event is also co-sponsored by EEO Advantage, LLC and the Commission for Citizens with Disabilities.



Presented and Sponsored by:



The Lexington Fayette Urban County Human Rights Commission attends many community events and meetings every month, If you would like for us to join your organization, hold a training, set up a table or speak at an event, please contact us. We look forward to working and networking in our community.

**Lexington-Fayette  
Urban County  
Human Rights Commission**

**342 Waller Ave. Ste. 1A  
Lexington KY 40504  
(859) 252-4931**

**[www.lfuchrc.org](http://www.lfuchrc.org)**

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Lexington-Fayette Urban County Human Rights Commission  
342 Waller Ave Ste. 1A  
Lexington Kentucky, 40504  
(859)252-4931

### **Executive Committee**

**LeTonia Jones**  
Chair

**Bob Orbach**  
Vice Chair

**Michael Ades**  
Treasurer

**Theresa Parks**  
Secretary

### **Commissioners**

**Christine de Briffault**  
**Jim Dickinson**  
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