



ARIZONA STATE SENATE  
RESEARCH STAFF

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TO: JOINT LEGISLATIVE AUDIT COMMITTEE

DATE: January 3, 2008

SUBJECT: Arizona Civil Rights Advisory Board

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Attached is the final report of the sunset review of the Arizona Civil Rights Advisory Board, which was conducted by the Senate and House of Representatives Judiciary Committee of Reference on December 12, 2007.

This report has been distributed to the following individuals and agencies:

Governor of the State of Arizona  
The Honorable Janet Napolitano

President of the Senate  
Senator Timothy S. Bee

Speaker of the House of Representatives  
Representative Jim Weiers

Senate Members  
Senator Chuck Gray, CoChair  
Senator Chevront  
Senator Gould  
Senator Miranda  
Senator Waring

House Members  
Representative Adam Driggs, CoChair  
Representative Kirk Adams  
Representative Tom Chabin  
Representative Steve Yarbrough  
Representative Krysten Sinema

Arizona Civil Rights Advisory Board  
Office of the Auditor General  
State Library, Archives & Public Records

Secretary of the Senate  
Senate Republican Staff  
Senate Democratic Staff  
Senate Research Staff  
Senate Resource Center

Chief Clerk  
House Republican Staff  
House Democratic Staff  
House Research Staff

## **COMMITTEE OF REFERENCE REPORT:**

### **ARIZONA CIVIL RIGHTS ADVISORY BOARD**

#### **Background**

The Arizona Civil Rights Advisory Board (Board) was established in 1965 to assist the Civil Rights Division (Division) of the Department of Law in protecting civil rights of Arizona citizens. The Board assists the Division in making periodic surveys of the existence and effect of discrimination, fostering the elimination of discrimination, issuing publications of research and study results, making recommendations on proposed civil rights procedural rules and holding hearings on civil rights issues. In accordance with A.R.S. § 41-3008.11, the Board terminates on July 1, 2008 unless legislation is enacted for its continuation.

Pursuant to A.R.S. § 41-1401, Board membership is composed of seven members appointed by the governor, with not more than four of the members from the same political party. Initially, two of the Board members were appointed for terms ending January 31, 1966, two for terms ending January 31, 1967, and three for terms ending January 31, 1968. Currently, each member serves for a three-year term that expires on the third Monday in January of the appropriate year. Vacancies are subject to the same limitation with respect to party affiliations as the original appointment.

The Board meets at least four times per year and receives minimal compensation pursuant to A.R.S. § 38-611 which authorizes compensation not to exceed thirty dollars for each day engaged in the service and A.R.S. § 41-1401 which limits the compensation to \$1,000 in any fiscal year. The Board's resources are supplied through the Division with the Chief Counsel of the Division serving as the Board's Executive Director and an Assistant Attorney General serving as the Legal Counsel for the Board, in addition to Division support staff.

#### **Committee of Reference Sunset Review Practices**

The Committee of Reference held one public hearing on Wednesday, December 12, 2007, to review the Board's response to the sunset factors as required by A.R.S. § 41-2954, subsections D and F, and to receive public testimony. Members of the public testified. See minutes for complete listing.

#### **Committee of Reference Recommendations**

The Committee of Reference recommended the Board be continued for ten years.

#### **Attachments**

1. Letter from Senator Chuck Gray requesting the Board's response to the sunset and agency factors.
2. Board's response to the sunset and agency factors pursuant to A.R.S. § 41-2954, subsections D and F.
3. Board's Bylaws.
4. Board's 2007 Meeting Minutes.
5. Board's Recommendations, 2000-2007.
6. Meeting Notice.
7. Minutes of the Committee of Reference Meeting.

**REQUEST FOR SUNSET &  
AGENCY FACTOR RESPONSES  
FROM THE BOARD**

SENATOR CHUCK GRAY  
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PHOENIX, ARIZONA 85007-2844  
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CAPITOL FAX: (602) 417-3161  
TOLL FREE: 1-800-352-8404  
cgray@azleg.gov

DISTRICT 19 - MESA

COMMITTEES:  
TRANSPORTATION, VICE-CHAIRMAN  
JUDICIARY  
NATURAL RESOURCES & RURAL  
AFFAIRS

LEGISLATIVE COUNCIL

June 11, 2007

Melanie Pate, Chairman  
Arizona Civil Rights Advisory Board  
1275 West Washington St.  
Phoenix, AZ 85007

Dear Chairman Pate:

The sunset review process prescribed in Title 41, Chapter 27, Arizona Revised Statutes, provides a system for the Legislature to evaluate the need to continue the existence of state agencies. During the sunset review process, an agency is reviewed by a legislative committee of reference. On completion of the sunset review, the committee of reference recommends to continue, revise, consolidate or terminate the agency.

The Joint Legislative Audit Committee has assigned the sunset review of the Law Enforcement Merit System Council to the committee of reference comprised of members of the Senate Judiciary Committee and the House of Representatives Judiciary Committee.

Pursuant to A.R.S. § 41-2954, the committee of reference is required to consider certain factors in deciding whether to recommend continuance, modification or termination of an agency. Please provide your response to those factors as provided below:

1. The objective and purpose in establishing the agency.
2. The effectiveness with which the agency has met its objective and purpose and the efficiency with which it has operated.
3. The extent to which the agency has operated within the public interest.
4. The extent to which rules adopted by the agency are consistent with the legislative mandate.
5. The extent to which the agency has encouraged input from the public before adopting its rules and the extent to which it has informed the public as to its actions and their expected impact on the public.
6. The extent to which the agency has been able to investigate and resolve complaints that are within its jurisdiction.
7. The extent to which the Attorney General or any other applicable agency of state government has the authority to prosecute actions under the enabling legislation.
8. The extent to which the agency has addressed deficiencies in its enabling statutes that prevent it from fulfilling its statutory mandate.

9. The extent to which changes are necessary in the laws of the agency to adequately comply with these factors.
10. The extent to which the termination of the agency would significantly harm the public health, safety or welfare.
11. The extent to which the level of regulation exercised by the agency is appropriate and whether less or more stringent levels of regulation would be appropriate.
12. The extent to which the agency has used private contractors in the performance of its duties and how effective use of private contractors could be accomplished.

Additionally, please provide written responses to the following:

1. An identification of the problem or the needs that the agency is intended to address.
2. A statement, to the extent practical, in qualitative or quantitative terms, of the objectives of the agency and its anticipated accomplishments.
3. Identification of any other agencies having similar, conflicting or duplicate objectives, and an explanation of the matter in which the agency avoids duplication or conflict with other such agencies. Please be thorough.
4. An assessment of the consequences of eliminating the agency or of consolidating it with another agency.

In addition to responding to the factors in A.R.S. § 41-2954, please provide the committee of reference with a copy of your most recent annual report. Your response should be received by September 1, 2007 so we may proceed with the sunset review and schedule the required public hearing by October 15, 2007. Please submit the requested information to:

Christina Estes-Werther  
Arizona State Senate  
1700 West Washington  
Phoenix, Arizona 85007

Thank you for your time and cooperation. If you have any questions, please feel free to contact me at 602-926-5288 or Christina Estes-Werther, the Senate Judiciary Committee Research Analyst, at 602-926-3171.

Sincerely,

**Senator Chuck Gray**  
Arizona State Senate  
Mesa - Legislative District 19

CG/sas

# **BOARD'S RESPONSE TO THE SUNSET & AGENCY FACTORS**

# **ARIZONA CIVIL RIGHTS ADVISORY BOARD**

**1275 West Washington  
Phoenix, Arizona 85007  
(602) 542-5263**

August 31, 2007

Christina Estes-Werther  
Research Analyst  
Arizona Senate Judiciary Committee  
Arizona State Senate  
1700 West Washington  
Phoenix, Arizona 85007

Re: Sunset Review of Arizona Civil Rights Advisory Board

Dear Ms. Estes-Werther:

The following information is provided to assist the Committee of Reference in its Sunset Review of the Arizona Civil Rights Advisory Board ("ACRAB"):

**1. The objective and purpose in establishing the agency.**

The objective and purpose in establishing ACRAB was to create an advisory board of private citizens from multiple political parties to assist the Arizona Civil Rights Division ("the Division") in protecting the civil rights of Arizona citizens in the following ways:

- Assisting the Division in making periodic surveys of the existence and effect of discrimination because of race, color, religion, sex, age, disability, familial status or national origin in the enjoyment of civil rights by any person within this state as prescribed in the Arizona Civil Rights Act.
- Assisting the Division in fostering, through community effort, in cooperation with both public and private groups, the elimination of discrimination based on race, color, religion, sex, age, disability, familial status or national origin.
- Assisting the Division in issuing publications of results of studies, investigations and research as in its judgment will tend to promote goodwill and the elimination of discrimination between persons because of race, color, religion, sex, age, disability, familial status or national origin.

- Making recommendations to the Division on proposed civil rights procedural rules.
  - Holding evidentiary hearings and making determinations regarding whether reasonable cause exists to believe that discrimination occurred in places of public accommodation based upon race, color, religion, national origin or ancestry.
- 2. The effectiveness with which the agency has met its objective and purpose and the efficiency with which it has operated.**

ACRAB has been very effective in holding public forums to carry out its purpose of assisting the Division in identifying civil rights problems and making recommendations to the Division and others in the community to protect the civil rights of Arizona citizens. By way of example, ACRAB has held public forums to gather information and/or make recommendations on the following issues:

- Crime free housing programs and their impact upon the fair housing rights of Arizona citizens. After holding public forums on this issue in Tucson and Phoenix, ACRAB issued a public letter on April 10, 2007 to make members of the housing industry aware of civil rights concerns regarding how such programs are administered. The letter resulted in much discussion among the housing industry and law enforcement agencies about the civil rights issues that are related to crime free housing programs. The Division was subsequently asked to give presentations to representatives of these groups regarding the intersection between the Fair Housing Act and crime free housing programs. Approximately 112 people attended the forums hosted by ACRAB, and many shared their opinions directly with the Board members. The Tucson forum was held at Pima Community College and the Phoenix forum was held at South Mountain Community College.
- The availability of accessible housing for individuals with disabilities. After hosting a public forum on this issue in Phoenix, ACRAB recommended that the Division propose legislation to require that building codes incorporate fair housing accessibility provisions. As a result of this hearing, ACRAB also became aware of and monitored state efforts to enable individuals with disabilities to transition out of nursing homes and into the community. Approximately 45 people attended the forum and 15 of them spoke to the Board about this issue.
- Law enforcement and community relations in Casa Grande. After ACRAB held a public forum in Casa Grande among members of the public and police officials at which race and national origin discrimination allegations were made, the Casa Grande Police Department created a Citizens Review Board to monitor this issue within the Department. This Board is still in existence and was a direct result of

the ACRAB forum. Approximately 65 people attended the hearing and 14 people spoke directly to the Board.

- Hate crimes and discrimination affecting the GLBT community. ACRAB held forums on this topic in Tucson and Phoenix to survey the nature and scope of problems faced by this community. Approximately 15 people spoke to the Board about this issue.
- The status of the court-ordered plan to serve students with limited English proficiency. ACRAB received information from advocacy groups, the Arizona Department of Education, and members of the public at a public forum in Tucson, and decided to research pending legislation and other factors before making recommendations on this issue. Approximately 10 people attended the forum and three people spoke directly to the Board.
- School safety plans and distressed mobile home parks and relocation issues. After a public forum regarding programs to address school safety in Tucson and statewide, ACRAB sent a letter to the State Superintendent of Schools to encourage continued efforts toward school safety statewide and to recommend adding a civil rights component to school safety planning. Approximately 10 people attended the forum and six people spoke to the Board about these issues.
- School harassment. ACRAB hosted a public forum at Cesar Chavez High School in Phoenix and provided education and outreach to students and teachers on this topic. Approximately 50 people attended the forum and nine people spoke to the Board about this issue.
- Holding public hearings on alleged public accommodation discrimination cases. ACRAB held two public accommodation discrimination hearings in Tucson at which it made determinations of reasonable cause to believe that discrimination had occurred. Due to statutory amendment by the Legislature in 2002, ACRAB no longer holds administrative public accommodation discrimination hearings.

ACRAB is efficient in using Division staff to organize its meetings and public forums without incurring separate administrative salaries, expense or overhead. Although the Division has statutory authority to employ an Executive Director and other necessary personnel for ACRAB under A.R.S. § 41-1402(A)(1), these roles are filled at no additional cost by the Division's Chief Counsel, an Assistant Attorney General, and clerical support staff who are already employed by the Division. ACRAB uses emails rather than postage to provide notice of meetings and to distribute its recommendations to a wide audience.

In addition, ACRAB avoids incurring costs for public meetings by working with state and local agencies to the extent possible in reserving meeting sites at no cost, and obtains training and background information without cost from Division members, state agencies, and members of the public. Board Members do not have physical offices or other state benefits that need to be paid for or maintained. ACRAB generally meets in person on a quarterly basis and holds some meetings telephonically, with all meetings open to the public. Board members are paid \$30 per meeting plus expenses for attending. With these cost savings, ACRAB operates efficiently and at minimal cost to the state.

**3. The extent to which the agency has operated in the public interest.**

ACRAB's activities are entirely for the purposes of protecting the civil rights of Arizona citizens and providing a government entity that can explore various civil rights issues while obtaining valuable input from the public. Protecting the civil rights of Arizona citizens is an issue of the utmost public interest.

In addition, ACRAB provides this service with very minimal cost to the State.

**4. The extent to which rules adopted by the agency are consistent with the legislative mandate.**

ACRAB adopted amended bylaws in 2004. The amended bylaws are consistent with ACRAB's legislative mandate. ACRAB has not adopted any other rules.

**5. The extent to which the agency has encouraged input from the public before adopting its rules and the extent to which it has informed the public as to its actions and their expected impact on the public.**

ACRAB provided notice to the public of proposed amendments to its bylaws. After discussing the bylaws at an open meeting, ACRAB scheduled and noticed a subsequent public meeting for action on the bylaws.

ACRAB provides advance written notice to the public about its meetings via email and by posting its meeting notices and agendas in public places. All of ACRAB's meetings are open meetings and ACRAB includes a call to the public to get input about the agenda items. ACRAB is diligent about informing the public about the actions it takes. As an example, ACRAB provided copies of its April 10, 2007 letter regarding the civil rights impact of crime free housing programs to everyone who attended its Tucson and Phoenix public forums on the topic, and asked that the U.S. Department of Housing & Urban Development, the Arizona Multihousing Association, Manufactured Housing Communities of Arizona, and the International Crime Free Association disseminate the letter to landlords and property managers, and others involved in crime free housing programs.

**6. The extent to which the agency has been able to investigate and resolve complaints that are within its jurisdiction.**

ACRAB presently has no jurisdiction to investigate and resolve individual civil rights complaints. ACRAB members refer such civil rights complaints directly to the Civil Rights Division for investigation and resolution. Before the 2002 amendment of the Arizona Civil Rights Act, ACRAB held public hearings and made determinations of reasonable cause regarding certain public accommodation discrimination complaints. As discussed above, ACRAB holds public forums to investigate civil rights issues and, where appropriate, makes recommendations to resolve those issues.

**7. The extent to which the Attorney General or any other applicable agency of state government has the authority to prosecute actions under the enabling legislation.**

The Attorney General and the Division have the authority to investigate and prosecute civil rights actions under the Arizona Civil Rights Act. These actions relate to discrimination in the areas of housing, employment, public accommodations and voting.

**8. The extent to which the agency has addressed deficiencies in its enabling statutes that prevent it from fulfilling its statutory mandate.**

ACRAB has been able to fulfill its statutory mandate within the parameters of its enabling statute.

**9. The extent to which changes are necessary in the laws of the agency to adequately comply with these factors.**

Not applicable.

**10. The extent to which the termination of the agency would significantly harm the public health, safety or welfare.**

ACRAB plays a valuable role in examining the existence and effect of discrimination and fostering, through community effort, the elimination of discrimination based on race, color, religion, sex, age, disability, familial status or national origin. Most recently, it has taken a stand and started an important and necessary dialogue among all interested stakeholders regarding the need to ensure that crime free housing programs are not used to violate the fair housing rights of Arizona citizens. Such action is vital to the public welfare. Accordingly, termination of ACRAB would harm the public welfare and the State's ability to protect the civil rights of Arizona citizens.

**11. The extent to which the level of regulation exercised by the agency is appropriate and whether less or more stringent levels of regulation would be appropriate.**

ACRAB is an advisory board and it has no regulatory authority. The Civil Rights Division, of which ACRAB is a part, has regulatory authority for civil rights matters under the Arizona Civil Rights Act. ACRAB and the Division work together to enforce civil rights laws in Arizona.

**12. The extent to which the agency has used private contractors in the performance of its duties and how effective use of private contractors could be accomplished.**

ACRAB is composed of private citizens appointed by the Governor, but it does not use private contractors in the performance of its duties. ACRAB has no budget.

**13. An identification of the problem or the needs that the agency is intended to address.**

As discussed in answer to Item No. 1, ACRAB is intended to provide a link between the Division and the community regarding a variety of civil rights issues. Because ACRAB is made up of private citizens that are appointed by the Governor, it has a diverse frame of reference with which to provide independent and objective recommendations to the Division and to the community on civil rights issues. In doing so, ACRAB assists the Division in identifying and eliminating discrimination in the State of Arizona.

**14. A statement to the extent practical, in qualitative or quantitative terms, of the objectives of the agency and its anticipated accomplishments.**

See answers to Item Nos. 1, 2 and 13 for a discussion regarding the purposes, objectives and accomplishments of the Board. The objectives of the Board necessarily remain fluid so that it can be flexible in addressing pressing civil rights issues that may arise in employment, housing, public accommodations and voting.

**15. Identification of any other agencies having similar, conflicting or duplicative objectives, and an explanation of the manner in which the agency avoids duplication or conflict with other such agencies.**

ACRAB, which was created during the tenure of Attorney General Gary K. Nelson and has continued in effect for thirty-five years, performs functions on a statewide level that the U.S. Commission on Civil Rights performs on a national level and that municipal civil rights commissions perform on a local level. Specifically, ACRAB

gathers information on civil rights issues through public forums and makes recommendations to the Division and other interested parties to resolve them. ACRAB operates in conjunction with the Division. There is no duplication or conflict between ACRAB, the Division or other agencies.

**16. An assessment of the consequences of eliminating the agency or of consolidating it with another agency.**

Eliminating ACRAB would have undesirable consequences for the preservation and furtherance of civil rights, and could also provide a negative signal to the public about the importance of civil rights in Arizona. ACRAB is already consolidated within the Division and it costs the State very little to maintain and operate the Board's activities. Currently, ACRAB provides a valuable public forum for private citizens to gather information on civil rights issues and make recommendations for resolving them. Having citizen involvement is an important role in our democracy, particularly with regard to safeguarding fundamental civil rights.

**17. Provide a copy of your most recent annual report.**

ACRAB does not issue annual reports. As previously mentioned, however, ACRAB is part of the Civil Rights Division pursuant to A.R.S. § 41-1401(A). A copy of the Division's most recent annual report is attached.

Please let us know if you would like any additional information to assist you and the Committee of Reference with respect to ACRAB's sunset review.

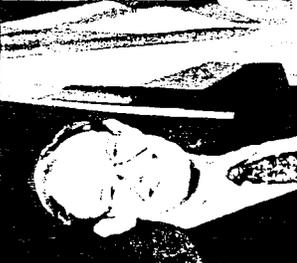
Very truly yours,



Melanie V. Pate  
Executive Director



## Arizona Attorney General Terry Goddard 2006 Annual Report



### Arizona

#### Attorney General's

#### Office

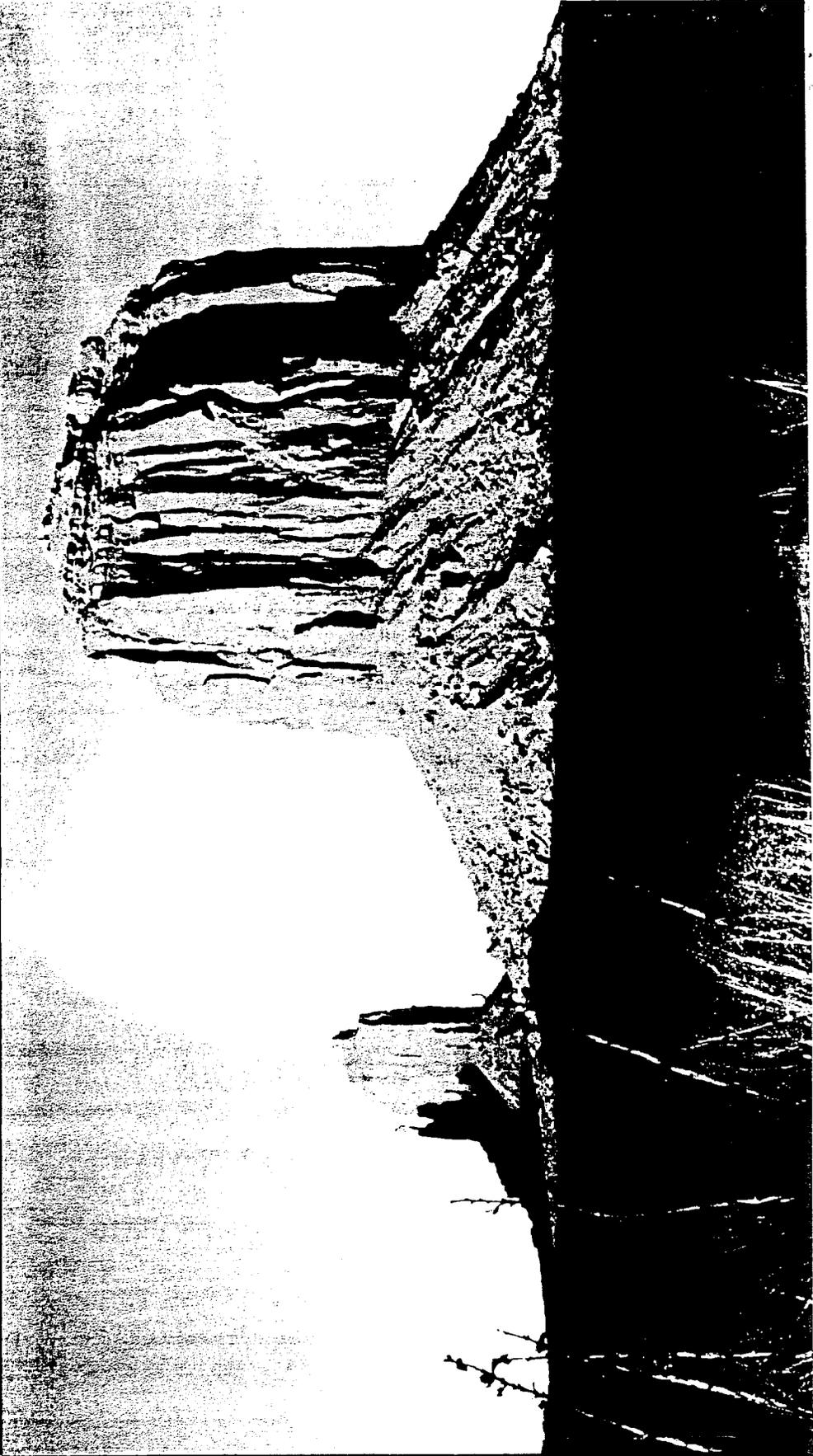
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## 2005-2006 Highlights Civil Rights Cases

**State v. Mlynarczyk.** This fair housing lawsuit involved a Sedona couple, Feliks and Bozena Mlynarczyk, who refused to sell property to a California couple because of race. Dr. Phillip and Kristina Edington presented a full price offer for a residential lot located in Sedona through their real estate agent. The owners rejected the offer and told the real estate agent that they would not sell to "black people."

The real estate agent reported the comments to the Attorney General's Office. Dr. Edington filed a discrimination complaint. The Division investigated the matter and obtained a preliminary injunction to stop the Mlynarczyks from selling or transferring the land until the lawsuit was resolved. The settlement required the Mlynarczyks to pay \$120,000 to the doctor and his wife for damages; \$25,000 to the realty



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Attorney General Terry Goddard presents awards to the Civil Rights Division Compliance and Resolution Officers. This Section investigates complaints of civil rights violations.

company for lost commissions; and \$40,000 to the State for attorneys' fees and enforcement of civil rights laws. The real estate agent, Edward Pennington of Buyer Brokers Realty, was honored by the Attorney General and the Arizona Fair Housing Partnership for taking a stand against housing discrimination.

.....  
Attorney General Terry Goddard presents Fair Housing Partnership recognition to real estate agent Edward Pennington for taking a stand against housing discrimination



# Civil Rights Division

Virginia Herrera Gonzales  
Division Chief Counsel



## Mission:

*To enforce civil rights laws and eliminate discrimination statewide by increasing public awareness of civil rights laws. These goals are reached through education, enforcement and providing greater access of services to victims, including dispute resolution services. The Division continues to focus on enforcement, outreach and education involving vulnerable populations (e.g., non-English speakers, children and the disabled).*

The Civil Rights Division enforces the Arizona Civil Rights Act, which prohibits discrimination in employment, voting, public accommodations and housing by investigating, mediating and litigating civil rights complaints.

The Division provides conflict resolution services and mediation programs statewide. It responds to complaints and proactively seeks to reduce discriminatory conduct by providing education and outreach in the community.

The Division is comprised of the Compliance and Litigation Sections. The Compliance Section enforces civil rights laws in the areas of employment, housing, public accommodations and voting rights. The Section screens and investigates complaints involving civil rights violations. It

also provides education and outreach to the public.

The Litigation Section is responsible for litigation in state and federal courts involving civil rights violations in the areas of employment, housing, public accommodations and voting rights. It also provides legal resources for legislative activities, education and outreach.

The Conflict Resolution Program, a component of the Litigation Section, provides services statewide, including mediation, facilitation, conciliation and training. The mediation programs encompass civil rights, truancy, victim-offender and other issues.

## Division Highlights

- Investigated 1,243 discrimination charges and resolved 873 cases.
- Filed 14 housing, employment and public accommodations lawsuits and resolved them by obtaining injunctive and monetary relief for discrimination victims.
- Mediated 93 civil rights cases and successfully reached an agreement in 51 cases. The mediated agreements yielded \$272,759 in relief, including injunctive relief.
- Obtained \$682,509 for discrimination victims and the State through conciliation/mediation agreements and consent decrees.

## Civil Rights Division (continued)

- Closed over 400 employment discrimination cases and resolved 538 employment cases. The Division also took in 362 new employment discrimination charges, 187 new housing discrimination charges and 87 new public accommodations discrimination charges.
- Revised its policy regarding case processing deadlines. The revised policy requires housing cases to be closed within 90 days and employment and public accommodations cases to be closed within 270 days of the filing date. As a result of the new policy, the Division virtually eliminated a backlog of aged public accommodations cases during the year.

### Section Highlights

- The Litigation Section resolved 14 lawsuits involving housing, employment and public accommodations, yielding

\$512,860 in relief to the victims, including injunctive relief and compensation to the State.

- The Compliance Section investigated and resolved 174 housing discrimination cases. Its aged cases docket for housing cases was reduced from 11 percent in July 2005 to 3 percent in July 2006.
- The Compliance Section investigated and resolved 26 housing cases involving complex issues that included discriminatory financing and brokerage services, refusal to provide insurance, refusal to permit reasonable modifications to existing dwellings, steering, redlining, design and construction of dwellings, and failure to permit reasonable accommodations for disabled individuals.

*Terry Goddard with members of the Fair Housing Partnership*

- The Compliance Section received the Attorney General's Office Outstanding Non-Legal Team award on May 17, 2006.
- *State v. Show Low Apartments and Holcombe v. Show Low Apartments*. In January 2006, the Attorney General's Office settled two fair housing lawsuits filed against Bosley Management, Inc. and Show Low Apartments for allegedly denying residents the right to live with therapeutic animals because of their general "no pets" policy. The Consent

Decrees resolved allegations that the apartment complex discriminated against a current resident and former resident by refusing to grant their requests for a disability accommodation. After the residents complied and removed their animals, they renewed their request that the defendants grant an accommodation for their disabilities and allow the animals to return to the complex. Defendants failed to make a decision on the residents' requests for weeks. During that period, one of the



## Civil Rights Division (continued)



*Terry Goddard with staff from the Tucson Civil Rights Division at the 2006 Awards Day event*

therapeutic cats was accidentally euthanized and the other cat disappeared.

Under the terms of the Consent Decrees, the defendants agreed to pay the Civil Rights Division \$100,000, one of its disabled residents \$65,000 and a former disabled resident \$12,000. The payments represent the largest settlement obtained by the Division in a matter involving disability discrimination under the Arizona Fair Housing Act.

The Consent Decree also provided that defendants pay the Division \$100,000 in lieu of a statutory penalty to monitor the apartment complex's compliance, \$65,000 to a disabled tenant and \$12,000 to a former disabled tenant.

- ***State v. Sunland Village East Homeowners Association.*** This fair housing lawsuit alleged that the Homeowner's Association ("HOA") notified the LDS Family Home Evening Group that it

would be required to pay a fee to use the community room for its meeting. After the group objected to the fees, the HOA adopted a new rule that community rooms could not be used by any religious groups. The Consent Decree provided that the HOA would revise its room-use policy to eliminate religion as a factor for either charging for rooms or denying room requests. The policy would also outline the non-discriminatory rules to be applied

to all who use the community facilities. The LDS Family Home Evening Group was also provided with a community room for its monthly meetings and an agreement not to retaliate or interfere with its rights to use the room.

- ***State v. Saban.*** This public accommodations lawsuit based on disability involved a rental car company that refused to rent a car to a deaf customer who used the Arizona Relay Service to place the calls to the company. The Consent Decree required the company to pay \$10,000 to the plaintiff, create an anti-discrimination policy and agree to monitoring by the Division.

## Civil Rights Division (continued)

- ***Briley v. Catalina Mechanical Contracting.*** This employment case involved an alleged discriminatory termination. The employer agreed to pay \$40,000 to the employee after a mediation session facilitated by the Division.
- ***Dansby v. Seton Capital Group.*** This discriminatory lending case involved a complainant who alleged that she was subjected to unfair mortgage lending terms due to her race (African-American). The lender agreed to pay the complainant \$19,421 to resolve the complaint.
- ***Leeds v. Sam Levitz Furniture Company.*** This employment case involved alleged discriminatory benefits terms for employees. The company agreed to pay the employee \$13,000 to resolve the case in mediation.
- ***Phillips v. Scott Patterson Development Company.*** In this housing case, the development company agreed to install wheelchair ramps in all units at the Golf Villas at Troon North if the unit's owner elected to have the ramp installed. The company also agreed to make a \$15,000 maximum donation to Arizona Bridge to Independent Living (ABIL) if the cost of installing the ramps was less than \$25,000.
- ***Turner v. Barrett-Eastman.*** The charging party alleged that the respondent's leasing agent refused to rent a house to her family because the owner did not want a one-year-old child living in a house with a pool. The agent also refused to rent homes with pools to two other families with minor children. This refusal to rent constituted familial status discrimination in violation of the Fair Housing Act. The case settled prior to filing a lawsuit.
- ***James v. Kovach/Independence Realty Professionals, Inc.*** This case involved a realtor who told an African-American man that she would not help him purchase a home and would only help "Asian people" because she understood their preferences. The Arizona Fair Housing Center subsequently conducted a test that confirmed that the realtor was discriminating against potential clients based on race, a violation of the Fair Housing Act. The case was settled.
- ***Such v. Wal-Mart Stores, Inc.*** The charging party alleged he was denied equal access to public accommodations on the basis of his disability. He had asked to use a wheelchair-accessible fitting room at Wal-Mart and was told that he could not do so because the room was being used for storage. The attendant said he could try on the shorts at home and bring them back if they did not fit. The manager subsequently told the charging party that he would clean out the fitting room but that it would take four hours to do so. The investigation revealed evidence to support the charging party's allegations against Wal-Mart. The case was settled.

# **BOARD BYLAWS**

**RESTATED AND AMENDED**

**BYLAWS**

**OF**

**ARIZONA CIVIL RIGHTS ADVISORY BOARD**

**(ACRAB)**

**ARTICLE I**

**OFFICES**

The principal office of ACRAB in the State of Arizona shall be located at the Offices of the Attorney General, Arizona Department of Law, Civil Rights Division in the City of Phoenix, County of Maricopa. ACRAB may have such other offices, within the State Offices, as ACRAB may determine or as the affairs of ACRAB may require from time to time.

**ARTICLE II**

**MEMBERS**

**SECTION 1. Classes of Members.** The Board shall have one class of members. The designation of such class and the qualifications and rights of the members of such class shall be determined in accordance with A.R.S. § 41-1401.

**SECTION 2. Voting Rights.** Each member shall be entitled to one vote on each matter submitted to a vote of the members.

**SECTION 3. Resignation.** Any member may resign by filing a written resignation with the Chairperson of ACRAB.

**ARTICLE III**

**MEETINGS OF MEMBERS**

**SECTION 1. Annual Meeting.** An annual meeting of the members shall be held during the first quarter of each year, for the purpose of electing a Chairperson and Vice Chairperson and

for the transaction of such other business as may come before the meeting. If the day fixed for the annual meeting shall be a legal holiday in the State of Arizona, such meeting shall be held on the next succeeding business day. If the election of Officers shall not be held on the day designated herein for any annual meeting, or at any adjournment thereof, ACRA B shall cause the election to be held at a special meeting of the members as soon thereafter as conveniently may be.

**SECTION 2. Regular Meetings.** ACRA B shall have a minimum of four meetings per year.

**SECTION 3. Special Meetings.** Special meetings of the members may be called by the Chairperson, Vice Chairperson, or not less than four of the members.

**SECTION 4. Place of Meeting.** The Chairperson may designate any place, either within or without the State of Arizona, as the place of meeting for any meeting of ACRA B.

**SECTION 5. Notice and Agenda of the Meetings.** Notice stating the place, date, and hour of any meeting of the members shall be delivered to each member entitled to vote at such meeting, not less than 24 hours before the date of such meeting, by or at the direction of the Chairperson, Vice Chairperson, or the persons calling the meeting. The agenda shall be posted in conformance with the Open Meeting Law.

**SECTION 6. Informal Action by Members.** Any action required by law to be taken at a meeting of the members, or any action which may be taken at a meeting of members, shall not be taken without a meeting.

**SECTION 7. Quorum.** Four members shall constitute a quorum at a meeting. If a quorum is not present at any meeting of members, a majority of the members present may adjourn the meeting from time to time without further notice. If the Chairperson appoints a subcommittee of ACRA B, a majority of the members of the subcommittee shall constitute a quorum.

**SECTION 8. Manner of Acting.** A majority of votes entitled to be cast on a matter to be voted upon by the members present at a meeting at which a quorum is present shall be necessary for the adoption thereof unless a greater proportion is required by law or by these bylaws.

## **ARTICLE IV OFFICERS**

**SECTION 1. Officers.** The officers of ACRA B shall be a Chairperson and a Vice Chairperson. The Board may elect or appoint such other officers as it shall deem desirable, such officers to have the authority and perform the duties prescribed, from time to time, by ACRA B. Any two or more offices may be held by the same person, except the offices of Chairperson and Vice Chairperson.

**SECTION 2. Election and Term of Office.** The officers of ACRAB shall be elected by ACRAB at the first scheduled meeting of each year. If the election of officers shall not be held at such meeting, such election shall be held as soon thereafter as conveniently may be. New offices may be created and filled at any meeting of ACRAB. Each officer shall hold office until the successor has been duly elected and qualified.

**SECTION 3. Removal.** Any officer elected by ACRAB may be removed by ACRAB whenever in its judgment the best interests of the board would be served thereby, but such removal shall be without prejudice to the rights of the officer so removed.

**SECTION 4. Vacancies.** A vacancy in any office because of death, resignation, removal, disqualification or otherwise, shall be filled in compliance with A.R.S. § 41-1401, *et seq.* for the unexpired portion of the term.

**SECTION 5. Chairperson.** The Chairperson shall be the principal officer of ACRAB. The Chairperson shall preside at all meetings of ACRAB and in general shall perform all duties incident to the office of Chairperson and such other duties as may be prescribed by ACRAB from time to time.

**SECTION 6. Vice Chairperson.** In the absence of the Chairperson or in event of inability or refusal to act, the Vice Chairperson shall perform the duties of the Chairperson, and when so acting, shall have all the powers of and be subject to all the restrictions upon the Chairperson. The Vice Chairperson shall perform such other duties as from time to time may be assigned to him by ACRAB.

**SECTION 7. Secretary.** The Secretary shall keep the minutes of the meetings of ACRAB in one or more books provided for that purpose, see that all notices are duly given in accordance with the provisions of these bylaws or as required by law; be custodian of ACRAB records; keep a register of the post-office address of each member; and in general perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him or her by ACRAB. Staff of the Attorney General's Office is designated to perform the function of Secretary.

## ARTICLE V COMMITTEES

**SECTION 1. Committees.** The Chairperson may designate and appoint one or more committees, each of which shall consist of two or more members, which committees, to the extent provided by the Chairperson, shall have and exercise the authority of ACRAB except that no such committee shall have the authority of ACRAB in reference to amending, altering or repealing the bylaws; electing, appointment or removing any member of any such committee. The delegation thereto of authority shall not operate to relieve ACRAB, or any individual member, of any responsibility imposed by law.

**SECTION 2. Other Committees.** Other committees not having and exercising the authority of ACRAB may be appointed in such manner as may be designated by the Chairperson. Members of each such committee shall be members of ACRAB. Any member thereof may be removed by the person or persons authorized to appoint such member whenever in their judgment the best interests of the corporation shall be served by such removal.

**SECTION 3. Term of Office.** Each member of a committee shall continue as such until the next annual meeting of the members of ACRAB and until the successor is appointed, unless the committee shall be sooner terminated, or unless such member be removed from such committee, or unless such member cease to qualify as a member thereof.

**SECTION 4. Vacancies.** Vacancies in the membership of any committee may be filled by appointments made in the same manner as provided in the case of the original appointments.

**SECTION 5. Quorum.** A majority of the committee shall constitute a quorum and the act of a majority of the members present at a meeting at which a quorum is present shall be the act of the committee.

**SECTION 6. Rules.** Each committee may adopt rules for its own government not inconsistent with these bylaws or with rules adopted by ACRAB.

## **ARTICLE VI BOOKS AND RECORDS**

The Board shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, and committees having any of the authority of ACRAB, and shall keep as its registered or principal office a record giving the names and addresses of the members. All books and records of ACRAB may be inspected by any member, or his agent or attorney, for any proper purpose at any reasonable time.

## **ARTICLE VII AMENDMENTS TO BYLAWS**

These bylaws may be altered, amended or repealed and new bylaws may be adopted by a majority of ACRAB present at any regular meeting or at any special meeting, if at least 30 days' written notice is given of intention to alter, amend or repeal or to adopt new bylaws at such meeting.

**BOARD MEETING MINUTES  
2007**

**ARIZONA CIVIL RIGHTS ADVISORY BOARD**

**Minutes of Public Meeting  
Wednesday, January 17, 2007**

1275 W. Washington Street, Lobby Conference Room  
Phoenix, Arizona

**Board Members (Appearing Telephonically)**

Carl Landrum  
Jesus Cordova  
Jason Martinez  
Dona Rivera-Gulko

**Board Members Absent**

Scott Kirtley  
Laura Mims  
Hayley Ivins

**Staff Members Present**

Virginia Gonzales, Executive Director  
Sandra R. Kane, Legal Counsel

**I. Call to Order.**

Chairperson Carl Landrum called the meeting of the Arizona Civil Rights Advisory Board (the "Board") to order at 4:10 p.m.

**II. Administrative Matters.**

**1. Approval of Minutes of Nov. 19, 2006 Board Meeting.** Upon motion duly made by Dona Rivera-Gulko and seconded by Jason Martinez, the Board unanimously approved the minutes of the Nov. 19, 2006 Board meeting.

**III. Old Business.**

**1. Board Vacancies.** Virginia Gonzales reported that Dora Vasquez with the Governor's Office is in the process of appointing someone to the Board to replace Laura Mims, and that Ms. Mims was directed to speak with Ms. Vasquez. Virginia Gonzales also advised that Ms. Vasquez is seeking a replacement for Board member Scott Kirtley, and asked that Board members Carl Landrum and Jesus Cordova contact Ms. Vasquez regarding their terms on the Board.

**2. Planning of February 1, 2007 Business Meeting and Forum.** The Board's business meeting will be from 4-6 pm on February 1, 2007. If there is a new Board member appointed by that date, then the business portion of the meeting will begin with introduction of the new board member, followed by approval of minutes of the January 17, 2007 meeting, and planning for 2007 by setting a schedule for meetings and the prioritizing the subjects that the Board would like to address at upcoming meetings. The Board requested that the Attorney General's Office provide information to the Board regarding relevant proposed legislation. The Board next discussed the fair housing forum portion of the February 1, 2007 meeting. Ms. Gonzales suggested that members of the Board review the minutes of the July 2006 forum in preparation for the February 1, 2007 forum. Sandra Kane then reported regarding the individuals and entities that she contacted regarding the February 2007 forum, and the individuals who indicated that

they may wish to speak at the forum. To increase public attendance at the forum, members of the Board were encouraged to forward the "Save the Date" public forum flyer to more groups. The Board is interested in having speakers tell about their experiences with crime free/drug free lease addendums, and to advise of any suggestions that they may have for solving any problems that they may have encountered with the addendums. The Board agreed to limit the time allowed to speakers depending on the number of speakers who fill out speaker cards at the beginning of the meeting. Board members agreed to limit questions from the audience to the last fifteen minutes of the forum if time permits, but Board members may ask questions after each speaker. The Board will set a meeting shortly after the February 1, 2007 public forum to discuss what action to take with respect to the information obtained at the July 2006 Tucson forum and the February 2007 Phoenix forum. Division staff will check on the availability of microphones for the forum, and have copies of crime free/drug free lease addendums and fair housing materials available at the forum.

- IV. **Call to Public.** No members of the public attended the meeting.
- V. **Adjournment.** Carl Landrum adjourned the meeting at 4:50 p.m.

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ACRAB has been very effective in holding public forums to carry out its purpose of assisting the Division in identifying civil rights problems and making recommendations to the Division and others in the community to protect the civil rights of Arizona citizens. By way of example, ACRAB has held public forums to gather information and/or make recommendations on the following issues:

- Crime free housing programs and their impact upon the fair housing rights of Arizona citizens. After holding public forums on this issue in Tucson and Phoenix, ACRAB issued a public letter on April 10, 2007 to make members of the housing industry aware of civil rights concerns regarding how such programs are administered. The letter resulted in much discussion among the housing industry and law enforcement agencies about the civil rights issues that are related to crime free housing programs. The Division was subsequently asked to give presentations to representatives of these groups regarding the intersection between the Fair Housing Act and crime free housing programs. Approximately 112 people attended the forums hosted by ACRAB, and many shared their opinions directly with the Board members. The Tucson forum was held at Pima Community College and the Phoenix forum was held at South Mountain Community College. *The public forums were held in Tucson on July 27, 2006 and in Phoenix on Feb. 1, 2007 and March 30, 2007.*
- The availability of accessible housing for individuals with disabilities. After hosting a public forum on this issue in Phoenix, ACRAB recommended that the Division propose legislation to require that building codes incorporate fair housing accessibility provisions. As a result of this hearing, ACRAB also became aware of and monitored state efforts to enable individuals with disabilities to transition out of nursing homes and into the community. Approximately 45 people attended the forum and 15 of them spoke to the Board about this issue. *The Phoenix public forum was held on June 15, 2000.*
- Law enforcement and community relations in Casa Grande. After ACRAB held a public forum in Casa Grande among members of the public and police officials at which race and national origin discrimination allegations were made, the Casa Grande Police Department created a Citizens Review Board to monitor this issue within the Department. This Board is still in existence and was a direct result of the ACRAB forum. Approximately 65 people attended the hearing and 14 people spoke directly to the Board. *The Casa Grande public forum took place on Sept. 22, 2000.*
- Hate crimes and discrimination affecting the GLBT community. ACRAB held forums on this topic in Tucson and Phoenix to survey the nature and scope of problems faced by this community. Approximately 15 people spoke to the Board about this issue. *The Tucson forum took place on Nov. 19, 2004 and the Phoenix forum took place on May 17, 2005.*

- The status of the court-ordered plan to serve students with limited English proficiency. ACRAB received information from advocacy groups, the Arizona Department of Education, and members of the public at a public forum in Tucson, and decided to research pending legislation and other factors before making recommendations on this issue. Approximately 10 people attended the forum and three people spoke directly to the Board. *This Tucson public forum took place on Nov. 16, 2001.*
- School safety plans and distressed mobile home parks and relocation issues. After a public forum regarding programs to address school safety in Tucson and statewide, ACRAB sent a letter to the State Superintendent of Schools to encourage continued efforts toward school safety statewide and to recommend adding a civil rights component to school safety planning. Approximately 10 people attended the forum and six people spoke to the Board about these issues. *This Tucson public forum took place on Nov. 16, 2001.*
- School harassment. ACRAB hosted a public forum at Cesar Chavez High School in Phoenix and provided education and outreach to students and teachers on this topic. Approximately 50 people attended the forum and nine people spoke to the Board about this issue. *The Cesar Chavez public forum occurred on Nov. 3, 2000.*
- Holding public hearings on alleged public accommodation discrimination cases. ACRAB held two public accommodation discrimination hearings in Tucson at which it made determinations of reasonable cause to believe that discrimination had occurred. Due to statutory amendment by the Legislature in 2002, ACRAB no longer holds administrative public accommodation discrimination hearings. *These public hearings occurred in Tucson on June 28, 2002.*

## ARIZONA CIVIL RIGHTS ADVISORY BOARD

**Minutes of Public Meeting  
Thursday, February 1, 2007**

### Board Members Present

Carl Landrum  
Kenneth Moore  
Laura Mims  
Jason Martinez

### Board Members Absent

Dona Rivera-Gulko  
Hayley Ivins

### Staff Members Present

Michael Walker, Acting Executive Director  
Melanie Pate, Legal Counsel  
Sandra R. Kane, Legal Counsel  
Kathy Grant, Support Staff

### **I. Call to Order**

Board Chairman Carl Landrum called the meeting to order at 4:15 pm at South Mountain Community College, Student Conference Room SU100ABC, 7050 S. 24<sup>th</sup> Street in Phoenix, Arizona.

### **II. Administrative Matters**

Following introductions of Board members and representatives of the Civil Rights Division, Carl Landrum announced the departure of Executive Director Virginia Gonzales. Upon motion made by Jason Martinez and seconded by Kenneth Moore, the minutes of the January 17, 2007 Board meeting were unanimously approved. Sandra Kane distributed notebook updates to Board members.

### **III. Legislative Report**

Acting Executive Director Michael Walker reported on the following civil rights-related matters under consideration at the Legislature: HB2358 which would allow a court to enhance sentences for misdemeanors involving hate crimes; HCM 2005 which would urge Congress to enact legislation clarifying that the Fourteenth Amendment to the U.S. Constitution denies citizenship to children of illegal aliens by virtue of their being born in the U.S.; House Concurrent Resolution (HCR) 2023 which would amend the Arizona Constitution to prohibit same sex marriage; HB2522 regarding verification of employees; HB2471 which would deny public benefits to persons born in Arizona of non-citizens who are not in the country legally; HB2470 which would prohibit undocumented persons from receiving workmen's compensation; HB2467 which would prohibit undocumented persons from getting state licenses; HB2466 which would require proof that an individual is in the country legally to obtain a certificate of title, registration or license plate from the Department of Motor Vehicles; HB2461 which would require law enforcement personnel to check the citizenship of everyone stopped for violation of state law, and enforce immigration status; SB1613 which would allow an employer to pay less than the minimum wage to certain disabled

employees involved in special programs; SB1255 which would amend that landlord/tenant law; and SB1277 which would allow a tenant to terminate a rental agreement if they give notice of being a domestic violence victim. The Board will be responsible for tracking the bills. The Board would like to review the wording of the bills, discuss them, and try to reach a consensus. Michael Walker agreed to make copies of all of the bills about which he reported, and mail them to the members of the Board. If necessary to act on any of the bills before the next scheduled meeting, the Board will call an immediate meeting.

#### **IV. Planning for 2007 Board Activities and Meetings**

The Board will meet on March 30, 2007 from 9 am to noon to decide what action to take regarding the fair housing public forums on crime free housing held in Tucson and Phoenix. The Board would like to meet at the Cap Center in Phoenix if it is available on that date. At the March 30, 2007, the Board would like to have a wrap-up regarding the crime free housing forums and discuss next steps. In addition, the Board would like to have pro and con input on pending civil rights related legislation, and make determinations regarding legislation. The Board set additional meetings for June 1, 2007, September 7, 2007 and December 7, 2007, all from 9 am to noon. Upon motion by Jason Martinez and seconded by Laura Mims, the Board adjourned the meeting at 5:15 pm, until the public forum scheduled for 6 pm.

#### **V. Public Forum on Fair Housing and Crime Free/Drug Free Lease Addendums**

Board Chairman Carl Landrum called the meeting back to order at 6:00 pm, to commence a public forum on fair housing and the impact of crime free/drug free lease addendums. He requested that speaker cards be filled out by everyone who would like to speak, and allocated 5 minutes per speaker. The following people spoke regarding Crime Free/Drug Free Lease Addendums ("CFA's"):

1. **Gary Kremer, private citizen:** Mr. Kremer and his family were denied Section 8 housing after a very long wait, because he and his wife's son are on probation for non-dangerous crimes. Kremer lives with his wife who has cancer, and her 24 year old son. Not being approved for Section 8 housing is a financial hardship for them. They recommend that Section 8 and other housing providers view each person's situation on case-by-case basis rather than excluding everyone with a criminal background.
2. **Wayne Kaplan, Arizona Multihousing Association:** Mr. Kaplan strongly supports crime-free lease addendums to promote crime-free, safe housing. The Crime-Free Program is safe, and doesn't violate fair housing laws. The bottom line is that people want a safe environment. Kaplan thinks this is a great program, and that people want it.
3. **Michael Shore, HOM, Inc. /Elizabeth Morales, Arizona Behavioral Health Corp. ("ABC"):** ABC provides housing for homeless and seriously mentally ill (SMI) clients. SMI persons are greatly affected by CFA's because they create barriers for this population. HOM, Inc. contracts with ABC to provide assistance to over a thousand households with mental illness. People with mental illness need to secure affordable housing and maintain their housing. The CFA program is well-intentioned but there

are two major problems with the implementation and execution of the program: (a) Screening – Strict interpretation or application of policy can keep deserving SMI people out of housing because many have criminal backgrounds related to homelessness or their mental illness.. Situations should be viewed on a case-by-case basis; (b) Implementation – Can be too harsh for one-time offenders. Since mentally ill people have a higher incidence of “survival crimes,” they may be disparately impacted by arbitrary application of CFA’s. SMI tenants are vulnerable to undesirable people on the property, and lose their housing due to CFA provisions which hold tenants liable for the actions of guests and others people on the property.

4. **Jacki Taylor, Arizona Coalition to End Homelessness:** CFA’s provide barriers for homeless people and make it difficult for parolees to return to the community. CFA’s cannot be fairly applied and do not provide an accurate risk assessment of persons who are denied affordable housing due to CFA’s. Studies show that an estimated nine million people are released annually from U.S. jails. Over 70% of those released from prison expect to return to live with their families in Section 8 or other public housing. Those who find housing in the community are less likely to recidivate and more likely to reintegrate into the community. With each move after release from prison, a person’s likelihood of re-arrest increases by 25%. Stability in housing in the community is a way to assure a parolee’s reintegration into the community and lessen the chance of re-arrest or re-incarceration. Arizona’s affordable housing crisis is exacerbated for former inmates seeking housing by the private sector where landlords use CFA’s as tools to screen and block admission to housing, and evict families for criminal activity. As of 2002, the CFA’s used by the City of Phoenix alone placed 186 rental properties with 129,000 rental units effectively off limits for any felon who has had a criminal conviction in the past 5 years. There are challenges in properly balancing the needs of landlords and managers in making eligibility determinations about the individuals seeking housing, and reuniting felons and their families. HUD allows significant discretion in determining housing admission policies. The only individuals HUD bars for life are those who are subject to lifetime registration under a state sex offender registration program and those convicted of the manufacture or production of methamphetamine. Taylor recommends a dialogue between the various groups to assure development of policies to increase access to housing for all persons, and to begin that dialogue proposes that the following suggestions be considered by landlords when determining housing eligibility instead of automatic application of CFA’s: (a) consider demonstration of successful completion of probation, parole, rehabilitation or any other sentencing requirements that were required; (b) consider a positive recommendation from a parole or probation officer or rehabilitation director; (c) consider the length of time that has occurred since commission of the offense; (d) consider a graduated scheme based on the nature of the felony conviction (e.g., ban for commission of violent criminal activity should be longer than the ban for such things auto theft or urinating in public); and (e) form partnerships with local correctional officials at local and state levels to make reentry successful for all parties involved. Taylor states that compromise will help reduce recidivism, reunite families, and create a better community.

5. **Nedra Halley, Pres., Dunlap & Magee:** Ms. Halley runs a property management company and is a member of the Arizona Multihousing Association. Halley agrees with Jacki Taylor about the need for dialogue because both sides tend to be strident and this issue is a huge problem. Her company manages both conventional and affordable housing, and uses CFA's on most properties. They have to turn away applicants every day because of the Crime Free Program. They will accept applicants who have had non-violent misdemeanors or felony convictions, if off probation. They will not take anyone who has committed a violent crime or been involved in the manufacture of drugs. Halley believes that fair housing laws require treating everyone the same and that if she uses discretion in screening tenants, then she will be subject to housing discrimination claims. She questions why a landlord should treat someone who has a disability and has gone off their medications any differently under the fair housing laws than a non-disabled tenant who has lost his or her temper after losing a job. Another issue is that people will sue the landlord if there is a problem resulting from renting to criminals and the landlord knew about the criminal or violent behavior. Halley wants to rent to people and needs residents to rent to, but cannot rent to them because landlords can be held liable. Halley suggests indemnity from liability for landlords. Her company manages a property run by CASS where there are no CFA's and they accept felons at that property but do not accept sex offenders.
6. **Sam Cooper, AAA Landlord:** Ms. Cooper's company does tenant screening research for landlords and supports CFA's. People who live around felons/criminals are usually economically disadvantaged and don't have a choice about moving. It is not fair to put people into harms way when they cannot afford to move. Criminals choose to commit their crimes.
7. **Marlan Kyles:** Ms. Kyles is a City of Phoenix employee who lived at the Palm Oasis Apts. for 6 years with her two girls, ages 11 and 13. Kyles believes CFA's are unfair because they hold tenants liable for the actions of guests and family members. She and her 2 girls, who are honor roll students, are homeless because they were evicted from government housing after her girls got into a fight with another girl. The management didn't give her a chance to explain her side of the story, but allowed the other family to remain on the property. She thinks eviction for a one-time offense is not fair, and states that it should be applied to people with multiple violations.
8. **James Hintz:** Mr. Hintz and his wife worked for the City of Phoenix, and are now living on Section 8. They moved to an Avondale apartment complex which was county-owned, and worked on reducing crime in their community. Hintz believes that after the County sold the complex, the new owners used a CFA to get the Hintz's to move in retaliation for their complaints to management. The new owners made false allegations that Hintz's granddaughter invited someone onto the property who was involved with drugs. The Hintz's got evicted with little notice. Hintz states that the Judges favor the big housing providers. Hintz requested a jury trial, got help from Legal Aid, and won some concessions. Hintz states that some complexes are abusing their authority by using CFA's to get vulnerable people out. Large corporations have money to fight tenants and bully people, and use false allegations to evict people.

Hintz would like to see something done about corporations who use CFA's to take people's deposits and ruin their credit.

9. **Denny Dobbins, Esq.:** Mr. Dobbins is the Vice Executive Director and Attorney for the International Crime Free Association, an Arizona attorney who represents landlords, and a former HUD commissioner. Dobbins wrote the CFA for the private sector, after the public sector adopted a CFA. They are in 2500 cities across the U.S. and Canada and several countries. There is a distinction between screening through Crime Free Programs and use of CFA's, which are agreements between landlords and tenants that they will live a crime-free lifestyle while living on the property. Crime free-certified properties receive training about their duties under applicable laws, and are only approximately 16% of the properties who use CFA's in Arizona. Crime free-certified properties also use crime free screening and do not allow people with felonies to rent there. The Arizona landlord/tenant law has the basics of the Crime Free Addendum set forth in A.R.S. § 33-1368. The Supreme Court's landmark case of *HUD v. Rucker* deals with public housing and allows CFA's. Landlords want CFA's to be applied in a fair way. They want to help people with criminal backgrounds who want to be good citizens. The International Crime Free Association at its ninth annual conference will be introducing the "Second Chance Certification" program to help people coming out of prison find housing. Residents need to be responsible for their guests and *HUD v. Rucker* makes that clear. Landlords need to use discretion and have the right to use discretion in applying CFA's to tenants.
10. **Eddie Sissons, Arizona Behavioral Health Corp.:** People with mental illness can be on and off their medications, or have difficulty caused by changes in their medications. Accusations about the actions of mentally ill people related to their medications may implicate civil rights protections under the Fair Housing Act and the ADA, before landlords can use CFA's to evict them. Former felons who have mental illnesses and former drug addicts can be unfairly accused or taken advantage of by landlords under CFA's. There is a problem holding tenants responsible for the actions of guests because tenants don't always know what their guests are doing at the complex. Sissons also raised the issue of pending legislation regarding housing for domestic violence victims.
11. **Ken Volk, Arizona Tenants Association:** Mr. Volk works with tenants. Volk states that CFA's violate A.R.S. § 33-1368(A)(2) because: (a) they hold the tenant liable for actions that occur off the premises; and (b) they hold the tenant liable for what their guests do. Instead of complying with the law, Volk states that CFA's go beyond material and irreparable conduct, and that landlords are trying to use CFA's to change the law to limit tenant protections.
12. **Ed Valenzuela, Arizona Fair Housing Center:** The Arizona Fair Housing Center is involved with providing education, outreach and enforcement of state and federal fair housing laws. Mr. Valenzuela stated that CFA's can be applied in unfair ways to groups protected under the fair housing laws based on race, color, national origin, sex, religion, familial status or disability. What seems to be landlord/tenant violations are

often fair housing violations. Sometimes landlords are ignorant of the fair housing laws. The person who said that she was evicted for her kids fighting on the property may really have been subjected to a fair housing violation. Landlords must be more aware of fair housing requirements when applying CFA's to tenants. AFHC wants to see more education and outreach regarding the Fair Housing Act and CFA's.

13. **Stan Silas, Community Legal Services:** Mr. Silas described the Hintz family's experience as being a complete abuse of CFA's. He said that their granddaughter was unloading groceries when an uninvited person in possession of drugs came up to her on a bicycle and asked for directions. The Hintz family did nothing wrong, their granddaughter did nothing wrong, and nobody took the time to investigate before evicting them for what the person on the bicycle did. CFA programs are abusive because they give power to people who should not have it, and then they drop that power on other people because of so-called third party liability responsibility. The Hintz family was held responsible for the actions of someone who was not their guest, and their family lost housing. Silas states that the Kyles family was also subjected to an atrocious use of CFA's. They are filing a fair housing complaint against their former landlord for subjecting them to different treatment and making housing unavailable to them. CFA's have a disparate impact on families with children. The language of the CFA's goes far beyond what is allowed by the Arizona statutes. CFA's impose an additional duty upon tenants that is not in the statute by imputing liability upon them for the actions of someone who is not even their guest. Landlords would never agree to this strict liability if it were applied to them. Application of CFA's because of the actions of guests or other third parties is unfair and often abused. The Arizona statute does not allow for strict liability for guests as is the case with CFA's. HUD and Section 8 don't allow for application of CFA's to a third party. Unlike third party tort liability which requires knowing about the potential harm and doing something about it; CFA's impose strict liability. Silas is not against CFA's or stopping crime, but wants something done about the abuses associated with CFA's.
14. **Brenda Robbins, ADHS, Behavioral Health Services:** Ms. Robbins works for the Arizona Department of Health Services in housing people with SMI's. There are large numbers of people with SMI's in Arizona, and many of them are homeless. The number of people in Arizona with SMI's is growing rapidly, with veterans and new residents. Robbins participated in a statewide count of homeless people earlier in the week. Arizona has almost 20,000 homeless people. It is difficult to place homeless and SMI people in uncertified apartments due to CFA's. CFA's unfairly affect minorities and people with disabilities. Homes are too expensive to buy, and this forces people to rent. Too many affordable housing units are lost due to CFA's. We can't hide behind the law to throw people out of housing. Some things that people have said in this forum are inaccurate. *HUD v. Rucker* is not applicable to screening and only relates to public housing. It is not true that fair housing requires treating everyone equally. Robbins would like to be involved in a serious dialogue to resolve this important issue.

- 15. Kathy Groenewald, Crime Free Program Coordinator, City of Tempe:** Ms. Groenewald has administered the Crime-Free Program for 11 years, and invited Board Members to attend a free 8 hour training and a private session with her to learn more about the voluntary Crime Free Program. It is a three phase process. The CFA is not the key part of their program. Purpose of her program is to develop a relationship with the rental apartment communities to help them keep illegal activity out of their communities.
- 16. Questions from members of the audience:** After hearing comments from speakers, Carl Landrum opened the forum for questions from the audience. Brenda Robbins, Eddie Sissons and Ken Volk made brief statements, but did not have questions. Flyann Janisse asked what the Board's mission is regarding CFA's. Carl Landrum responded that the Board does not have a preconceived objective. The Board is trying to understand the pros and cons and has heard a lot of evidence and has materials to review. The Board will be meeting again on March 30, 2007 to discuss the issue and decide what to do about it. Mr. Landrum explained that the Board is an advisory board and can express a position, send letters to the Governor and raise the State's awareness regarding the issue. Ms. Janisse stated that as director of a property management company with 22 years in the industry, she agrees that uneducated individuals have been empowered to make decisions on CFA's, but believes that we need a crime free program that works and does not negate the needs of others, and that people using the program need to be taught to use the program appropriately. James Hintz asked what authority the Board has to stop false accusations associated with CFA's. Carl Landrum stated that the Board will be looking forward in making recommendations at its March 30, 2007 meeting. Mr. Hintz then asked what recourse tenants have if they believe that they have been abused by crime free programs. Mr. Dobbins stated that tenants have legal recourse against landlords but may not know where to go for legal assistance. A member of the audience asked what recourse exists for people with criminal backgrounds who have been denied housing under crime free programs. Mr. Dobbins stated that certified crime free properties in Arizona will usually rent to people ten years after a felony conviction, unless it's a crime against children or a sex crime, murder or manslaughter in which case they won't ever rent to them. Dobbins stated that each certified crime free property decides for itself whether to rent to people with violent misdemeanors. Mrs. Hintz raised the issue of what can be done about the young people, such as her granddaughter, who have been adversely affected by the landlord's false accusations regarding a CFA. Board Member Jason Martinez asked if the Crime Free Program would rent to people with a vehicular manslaughter including DUI. Mr. Dobbins responded that certified crime free properties would never rent to anyone who was convicted of any type of manslaughter. Jason Martinez asked what burden of proof is used to evict people under CFA's. Mr. Dobbins stated that the courts use a preponderance of the evidence standard, and noted that people who use CFA's on non-certified crime free properties are often not well-trained on when to evict people. Mr. Silas disputed that abuses in enforcing CFA's only occur on non-certified crime free properties. Mr. Volk spoke about unfairness to tenants in the justice court system, and asked why the Board chose to address the CFA issue. Carl

Landrum responded that the Board understands that this is a hot issue which has civil rights implications and the Board chose to look into this issue.

**VI. Adjournment**

Carl Landrum thanked everyone for attending and for providing the additional information, and stated that the Board will review the information and try to reach a consensus at its March 30, 2007 meeting. The meeting was adjourned at 8:45 pm.

**ARIZONA CIVIL RIGHTS ADVISORY BOARD**

**Minutes of Public Meeting**

**Friday, March 30, 2007**

**Board Members Present**

Carl Landrum  
Kenneth Moore  
Laura Mims  
Jason Martinez

**Board Members Absent**

Dona Rivera-Gulko  
Hayley Ivins

**Staff Members Present**

Melanie Pate, Executive Director  
Michael Walker, Legal Counsel  
Sandra R. Kane, Legal Counsel  
Selenia Martinez, Board Liaison  
Kathy Grant, Support Staff

**I. Call to Order**

Board Chairman Carl Landrum called the meeting to order at 9:15 am at the Attorney General's Office Cap Center, Basement Conference Rooms A & B at 15 S. 15<sup>th</sup> Ave., Phoenix, Arizona.

**II. Administrative Matters**

Following introductions of Board members, Melanie Pate introduced herself as the new Executive Director. Upon motion made by Jason Martinez and seconded by Kenneth Moore, the minutes of the February 1, 2007 Board meeting were unanimously approved. Board Chairperson Carl Landrum stated that the election of officers will take place at the end of the meeting.

**III. Legislative Report**

Michael Walker, Litigation Section Chief Counsel of the Civil Rights Division, reported on status of the following civil rights-related bills under consideration at the Legislature: HB2358, HCR2005, HB2552, HB2471, HB2470, HB2467, HB2466, HB2461, SB1613, SB1255, and SB1277. Of the bills, the only one that appears to be moving forward at this time is SB1255 which would require tenants to carry insurance for property damage by guests.

**IV. Planning for 2007 Board Activities and Meetings**

The Board discussed topics for a proposed meeting on June 1, 2007, including: training regarding the Civil Rights Division, the Arizona Civil Rights Act, and the role of Board

members; a report on the outcome of the Arizona civil rights related legislation, and further inquiry regarding crime free housing issues. Jason Martinez requested that the Board be notified if quick action is needed on civil rights related legislation before the next scheduled meeting, and suggested that the Board may wish to monitor the impact of Prop 300 and the outcome of same sex legislative issues. Melanie Pate stated that the Attorney General Legal Opinion regarding Prop 300 will be sent to Board members when it comes out and the issue can be discussed at the next meeting. The Board decided to hear from members of the public and resume planning later in the meeting.

#### V. Call to Public

The following members of the public addressed the Arizona Civil Rights Advisory Board:

1. **Donna Hamm (Middle Ground Prison Reform):** Mrs. Hamm stated that her group is involved in prisoner rights and family advocacy. She expressed concern that the Maricopa County Sheriff's Office may be engaging in racial profiling as evidenced by its investigation of Hispanic people who were seated in a car in a parking lot. The Sheriff's investigation found that the occupants of the car were in the country illegally and had them deported to Mexico. Mrs. Hamm recommended that the Board invite Dr. Fred Solop, an NAU professor who is an expert on racial profiling issues, to provide information regarding racial profiling. On another topic, Mrs. Hamm expressed frustration that people who are getting out of prison cannot find housing due to crime free housing restrictions and end up in flop houses in crime ridden neighborhoods. Mrs. Hamm believes that this is a blueprint for problems. She stated that there is a problem with reintegrating and accepting people back into the community and spoke about the difficulties that she and her husband, James Hamm, have had due to his 1974 crime. Despite having earned college and law degrees since release from prison, the Hamms were unable to sell their house and move to an apartment in Tempe due to crime free housing programs. She believes that crime free housing programs make no distinction among people with criminal backgrounds, give no consideration to whether the person is reformed, what the person has done with his life since prison, or the amount of time since the crime. Mrs. Hamm stated that she receives 25 to 35 calls per month regarding concerning ex-prisoners not being allowed to live in certain areas. She states that this is a large problem affecting approximately 16,000 people who are released from Arizona prisons each year plus those who are already on parole. It also affects their families who cannot remain in their housing after the husband is released from prison. Mrs. Hamm is very troubled that crime free programs are an open-ended

way that a person can get automatically excluded from housing without any opportunity for explanation. She believes that there need to be controls on crime free housing programs, sanctions against bad decisions, a timely appeal process, and that untrained, unqualified people should not be given the power to make these housing decisions.

2. **Adam Silverman (Primavera Foundation):** Mr. Silverman stated that Primavera Foundation is located in Tucson and is involved in reentry of ex-offenders into the community. He is an ex-offender who was released from prison in 2000. Since his release, he has had great difficulty finding housing because he has been rejected due to his criminal record. He would fill out applications and companies would deny his application and keep the application fees. He has often been forced to live in crime ridden areas. As recently as last year he has experienced this and it is 13 years since he committed a non-violent crime. Mr. Silverman states that there is a huge population coming out of prison and they should not have to face such a difficult time on such an important thing like housing.
3. **Phyllis Roestenberg (Community Legal Services):** Ms. Roestenberg is an attorney working in the housing unit of Community Legal Services. Her specialty is in fair housing. Many of her clients have mental illness. Approximately 85,000 evictions take place each year in Maricopa County affecting 210,000 residents, many of whom become homeless. An eviction stays on a person's record for seven years and makes it very difficult to find housing. A lot of people who exhibit symptoms of mental illness are evicted due to crime free housing programs. Ms. Roestenberg spoke of an 80 year old woman who was evicted because her son was visiting her and he had a criminal record. A mentally ill client took a shirt out of a tree and was given an immediate eviction. Ms. Roestenberg states that her office spends a lot of time fighting bogus evictions arising out of crime free housing programs.

## **VI. Fair Housing and Crime Free Housing Programs and Lease Addendums**

The members of the Board discussed the information they received from members of the public who spoke at forums in Tucson and Phoenix regarding enforcement of crime free housing programs, and noted the following: (1) individual assessment is needed vs. blanket application of crime free addendums; (2) landlords shouldn't be able to evict residents arbitrarily under the guise of a crime free addenda; (3) more discussion is

needed among groups that assess tenants, such as: the Arizona Manufactured Housing Association, Arizona Multihousing Association, HUD, and the International Crime Free Association to resolve overzealous application of crime free housing programs; (4) the Board should oppose discrimination resulting from application of crime free housing programs; (5) the Board should make a public statement in the form of a letter citing examples of potential civil rights violations and specific suggestions for housing providers and; (6) the Division staff should draft the proposed letter for the Board's review; (7) the proposed letter should describe the forums and the type of testimony obtained, indicate that the Board has concerns about the application of crime free housing programs and related potential civil rights issues affecting people with disabilities, families with children, single mothers who are victims of domestic violence, and potential disparate impact on minority ex-convicts; (8) crime free housing programs need to consider how they assess risk, having a statute of limitations related to length of time from offense, type of offense, having a third party do the assessment rather than the landlord, have a procedure for assessment, and how to limit accountability to third persons; (9) the proposed letter should suggest that industry groups work with advocacy groups to resolve abuses; (10) the proposed letter should be addressed to HUD, the Arizona Multihousing Association, the Arizona Manufactured Housing Association, and the International Crime Free Association and it should contain a request from the Board that they disseminate it to their membership and publish it in their newsletters and magazines; (11) the proposed letter should also be sent to the attendees of the public forums; (12) the Board should keep the issue of crime free housing programs on its agenda in the future. Melanie Pate stated that a draft of the proposed letter will be sent to Board members by close of business on April 6, 2007. The Board will meet via conference call on April 9, 2007 at 3:30 pm to consider the proposed letter regarding the civil rights impact of crime free housing programs and lease addendums.

## **VII. Planning for 2007 Board Activities and Meetings**

The Board set additional meetings for June 1, 2007, September 7, 2007 and December 7, 2007, all from 9 am to noon. Suggested topics for the June meeting: are training and racial profiling. Suggested topics for the September meeting are: Prop 300, and the Maricopa County Sheriff's enforcement of immigration.

### **VIII. Election of Chairperson**

Upon motion of Laura Mims and seconded by Ken Moore, the Board unanimously elected Jason Martinez as Chairperson of the Arizona Civil Rights Advisory Board. The Board decided to defer selection of the Vice Chairperson until the next meeting.

### **IX. Adjournment.**

Upon motion of Jason Martinez, seconded by Laura Mims, the meeting adjourned at 11:45 am.

55941

**ARIZONA CIVIL RIGHTS ADVISORY BOARD**

**Minutes of Public Meeting**

**Monday, April 9, 2007**

Board Members Present via Telephone

Carl Landrum  
Dona Rivera-Gulko  
Laura Mims  
Jason Martinez

Board Members Absent

Kenneth Moore  
Hayley Ivins

Staff Members Present

Melanie Pate, Executive Director  
Sandra R. Kane, Legal Counsel (present via telephone)  
Kathy Grant, Support Staff

**I. Call to Order**

Board Chairperson Jason Martinez called the meeting to order at 3:34 pm via telephone conference call at the Attorney General's Office, Lobby Conference Room, 1275 W. Washington St., Phoenix, Arizona.

**II. Letter re Fair Housing and Crime Free Housing**

All of the Board members stated that they had studied the draft letter which they had previously received from Executive Director Melanie Pate. All Board members present stated that they approved of the letter. Executive Director Melanie Pate stated that Attorney General Terry Goddard had read and approved the draft letter.

**III. Call to Public**

1. **Mary Ann Beerling of New Arizona Family.** Ms. Beerling commended the Board for the letter. She recommends that Dr. Sheila Harris of the Arizona Department of Housing be added to the list of letter recipients. She also would like to add homeowners associations to the letter based on information that she recently received that Mountain Vista Community wants to be a crime free community and will require landlords there to do background checks and sign crime free addendums. If the landlords don't cooperate, they will have to pay a \$500 and another \$500 fine will be imposed a few days later if they continue to fail to cooperate. Ms. Beerling believes that it is a breach of confidentiality for them to have information regarding disabled people who have been in jail and are recovering from substance abuse or have mental illness.

2. **Phyllis Roestenberg, Community Legal Services.** Ms. Roestenberg stated that CLS wants to commend the Board for taking this stand. The attorneys in CLS's Housing Dept. request that there be mention of testimony regarding abuses under the crime free housing program. They also want to advise people that crime free addendums should be used only to deal with serious behavior and that tenants don't have control over their guests.
3. **Wayne Kaplan, Arizona Multihousing Association.** Mr. Kaplan stated that in the vast majority of instances, it is up to the individual management company to decide the standards to follow in enforcing crime free housing programs, e.g., how long ago the person did the criminal activity and what has the person done since then.
4. **Eddie Sissons, Dir., Arizona Foundation for Behavioral Health.** M s. Sissons commends the Board on trying to balance the interests of both sides. She suggests sending a copy of the letter to the League of Cities and Towns because cities and towns are doing the training for the crime free programs. There is a group of people involved in continuum of care for the homeless who should also receive the letter and Ms. Sissons will share that information with Melanie Pate.
5. **Denny Dobbins, Exec. Dir., International Crime Free Association.** Mr. Dobbins stated that they are not interested in any protected class. The Association's concern is criminal behavior, not protected classes. The Crime Free Addendum in the private sector mimics the federal Crime Free Addendum. The Crime Free Addendum doesn't screen for criminal activity. People have the right to screen for criminal activity. People are not being screened based on protected class; they are being screened based on criminal background.
6. **Stan Silas, Community Legal Services.** Melanie Pate stated that she received an email from Mr. Silas stating that he wishes to submit written comments by the close of business tomorrow, April 10 because they didn't receive a copy of the draft letter until 1 pm today. He was concerned about the guest behavior issue and may have other concerns with the letter.

The Board conferred with Legal Counsel about Mr. Silas' request to delay action on the letter pending further input from Mr. Silas, who had already addressed the Board on these issues at the public forums in Tucson and Phoenix. Carl Landrum moved to accept the letter as written with the minor modifications of suggesting an example on p. 3 for printing the letter in Apartment Magazine, and to verify and correct any improper statistics contained in the letter regarding the City of Phoenix statistics. Laura Mims seconded. The Board unanimously approved the motion.

Carl Landrum made a second motion to add HOA's to the letter and copy the League of Cities and Towns, Dr. Sheila Harris and Dora Vasquez at the Governor's Office. Dona Rivera-Gulko seconded the motion. The motion passed unanimously.

**IX. Adjournment.**

The meeting adjourned at 4:30 pm.

56047

**ARIZONA CIVIL RIGHTS ADVISORY BOARD**

**Minutes of Public Meeting**

**Thursday, August 16, 2007**

**Board Members Present via Telephone**

Jason Martinez  
Daisy Flores  
Laura Mims  
Jesus Cordova

**Board Members Absent**

Kenneth Moore

**Staff Members Present**

Sandra R. Kane, Legal Counsel  
Kathy Grant, Support Staff

**I. Call to Order**

Board Chairperson Jason Martinez called the meeting to order at 4:00 pm via telephone conference call at the Attorney General's Office, Lobby Conference Room, 1275 W. Washington St., Phoenix, Arizona.

**II. Sunset Review by Legislature and Related Letter**

Jason Martinez stated that the draft letter that had been prepared by Executive Director Melanie Pate and Legal Counsel Sandra Kane surmises the spirit of the Board and makes a good case for continuing it. Laura Mims agreed. Jesus Cordova moved to submit the draft sunset review letter to the Attorney General, as written, and to submit it to the Legislature if approved by the Attorney General. Laura Mims seconded the motion. The motion passed unanimously.

**III. Call to Public.**

No members of the public chose to speak. Margi Breidenbock of AWEE introduced herself but did not wish to speak to the Board.

**II. Agenda for September 7, 2007 Meeting.**

Jason Martinez stated that there should be training for the Board and that time should be devoted to planning agenda items for the calendar year. All agreed. Jason Martinez indicated that if Michael Walker of the Division believes that there is something pressing at the Legislature, then he is invited to come to the Board meetings at his discretion.

**IX. Adjournment.**

Daisy Flores moved to adjourn. Jesus Cordova seconded the motion. The meeting adjourned at 4:20 pm.

56191

**BOARD RECOMMENDATIONS  
2000 – 2007**

**ARIZONA CIVIL RIGHTS ADVISORY BOARD**

1275 West Washington  
Phoenix, Arizona 85007  
(602) 542-5263

April 10, 2007

Ms. Rebecca Flanagan  
Field Office Director  
U.S. Department of Housing and Urban Development  
One North Central Avenue, Suite 600  
Phoenix, AZ 85004

Mr. Terry Feinberg  
Executive Director  
Arizona Multihousing Association  
5110 N. 44<sup>th</sup> Street, Suite L-160  
Phoenix, AZ 85018

Mr. Tim Zehring  
Executive Director  
International Crime Free Association  
P.O. Box 31745  
Mesa, AZ 85275-1745

Ms. Susan Brenton  
Executive Director  
Manufactured Housing Communities of Arizona  
4525 S. Lakeshore Drive, Suite 101  
Tempe, AZ 85282

Re: Crime Free Housing Programs

Dear Ms. Flanagan, Ms. Brenton, and Messrs. Feinberg and Zehring:

The Arizona Civil Rights Advisory Board recently examined the issue of crime free housing programs, including crime free lease addendums, and their impact upon civil rights in Arizona. The Board held public hearings in Tucson (July 2006) and Phoenix (February and March 2007) at which substantial testimony was received from members of the public who had strong opinions about the pros and cons of crime free housing programs. During those hearings, our Board heard testimony from the housing industry, housing advocacy groups, government representatives, and private individuals who are

April 10, 2007

Page 2

and have been directly affected by crime free housing programs. We recognize that the issue of crime free housing is multifaceted and that crime free programs serve a necessary purpose in today's society. In most instances, people who commit crimes are not protected by fair housing laws. However, as a result of our public hearings and after consideration of the issue, the Board is concerned that civil rights violations may arise due to the implementation of crime free housing programs.

In particular, we are concerned that crime free programs could potentially be used as pretext for underlying discriminatory actions on the part of owners, property managers and homeowners' associations. In a situation where a landlord or property manager may be contemplating a discriminatory eviction or other housing practice, a minor violation of a crime free lease addendum could be cited by the landlord as the "true" reason for the action.

Additionally, several housing industry speakers indicated that they believe the fair housing laws require them to treat everyone equally when screening applicants or enforcing crime free lease addendums. The Board encourages the housing industry to be mindful of the reasonable accommodation provisions of the Arizona and Federal Fair Housing Acts when screening potential applicants and otherwise implementing crime free housing programs. For example, persons with serious mental illnesses may have a higher incidence of nonviolent "survival crimes" related to periods of homelessness, such as loitering and public urination. These people may also be more vulnerable to interaction with undesirable people on the property and may lose their housing due to crime free lease addendum provisions that hold tenants liable for the actions of guests and other third parties with whom they associate. The fair housing laws protect individuals with mental disabilities unless they pose a direct threat *after* attempted application of all available reasonable accommodations.

Crime free programs may also have a disparate impact on women and families with children who are victims of domestic violence. Such vulnerable people could lose their housing if a domestic violence incident occurs on the property or the abuser returns without the tenant's knowledge or permission.

Finally, the Board is concerned about the potential disparate impact of crime free housing programs on certain racial and ethnic minority groups who represent a disproportionately high percentage of people with criminal backgrounds. At one forum the Board received information that as of 2002, the crime free housing programs used by the City of Phoenix alone placed 186 rental properties with 129,000 rental units effectively off limits for any felon who had a criminal conviction in the past five years. Other attendees stated that they have been barred from rental housing indefinitely due to criminal convictions.

The Board recognizes that there are challenges in properly balancing the legitimate housing needs of individuals with those of landlords and managers who are making eligibility determinations about individuals seeking housing while also

April 10, 2007

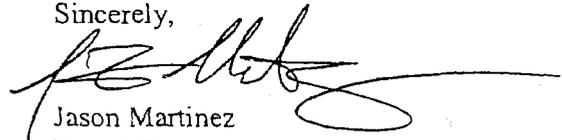
Page 3

attempting to provide a safe environment for tenants and avoid liability. We encourage all groups to be cognizant of the potential civil rights impact of crime free housing programs. In that regard, we believe that fair housing training is imperative for all landlords, property managers, leasing agents and homeowners' association board members involved in implementing crime free housing programs. We also encourage housing providers to engage in open dialogue with housing advocates with a view toward adopting policies for implementing crime free housing programs that are based on individual factors, including the applicability of reasonable accommodation for disabled individuals whose criminal backgrounds may be related to their disabilities.

The Board seeks your cooperation in disseminating this letter to landlords and property managers (e.g. publication in *Apartment News* magazine, member distribution lists, etc.), and would be happy to facilitate further discussion among interested groups. Due to the important fair housing issues raised at our public hearings, the Board plans to continue monitoring the impact of crime free housing upon the civil rights of the citizens of this State.

If you have any questions or comments about this letter or the activities of the Board, please contact the Board's Executive Director, Melanie Pate at 602-542-7716 or [Melanie.Pate@azag.gov](mailto:Melanie.Pate@azag.gov).

Sincerely,



Jason Martinez  
Board Chairperson

cc: Ms. Dora Vasquez, Director, Governor's Office of Boards and Commissions  
1700 W. Washington, Phoenix, AZ 85007

Dr. Sheila D. Harris, Director, Arizona Department of Housing  
1110 W. Washington, Suite 310, Phoenix, AZ 85007

Mr. Ken Strobeck, Executive Director, League of Arizona Cities and Towns  
1820 W. Washington, Phoenix, AZ 85007

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STATE OF ARIZONA

ARIZONA CIVIL RIGHTS ADVISORY BOARD

THE STATE OF ARIZONA *ex rel.* JANET NAPOLITANO, the Attorney General, and THE CIVIL RIGHTS DIVISION OF THE ARIZONA DEPARTMENT OF LAW

CRD No. 01-3014

**ORDER**

vs.

DR. TODD WIEKHORST and TODD WIEKHORST, DDS, LTD,

Respondents.

On June 28, 2002, this matter came before the Arizona Civil Rights Advisory Board ("Board") for formal hearing. The State of Arizona was present and represented by Assistant Attorney General Gary M. Restaino. The Respondents were present and represented by the law firm of Chandler, Tullar, Udall & Redhair, LLP, attorneys Edwin M. Gaines, Jr. and Edward Moomjian II. The Board was advised by Victoria Mangiapane, Assistant Attorney General of the Solicitor General's Office.

Based on the testimony and evidence presented by the parties, the Board makes the following findings of fact and conclusions of law.

**FINDINGS OF FACT**

1. Charging Party Faisal Salha is a male of Arabic national origin. He was referred by a coworker at the Sprint Communications Wireless Group ("Sprint") to Dr. Todd Wiekhorst ("Wiekhorst") for a dental treatment and arrived for an appointment with Wiekhorst on September 20, 2001. He timely filed a charge of discrimination on September 24, 2001.

2. Respondent Todd Wiekhorst, DDS, LTD is an Arizona company which offers its dental services to members of the general public at 4801 North First

1 Avenue, Tucson, Arizona. Respondent Wiekhorst is the dentist and principal of Todd  
2 Wiekhorst, DDS, LTD, and in that capacity he refused to provide services to Faisal  
3 Salha ("Charging Party".) Todd Wiekhorst, DDS, LTD is a "place of public  
4 accommodation" within the meaning of A.R.S. § 41-1441(2), and each named party is a  
5 proper Respondent pursuant to A.R.S. § 41-1471(A). All other requirements for  
6 coverage have been met.

7 3. On September 20, 2001, Charging Party arrived for scheduled  
8 dental services at the dental office of Respondents. The receptionist, Teresa Morrow,  
9 raised questions about his insurance coverage.

10 4. On September 20, 2001, at approximately 11:00 a.m., Charging  
11 Party entered the premises of Dr. Todd Wiekhorst's office and stated to Teresa Morrow  
12 (Dr. Wiekhorst's receptionist) that he was there for an appointment. The Charging Party  
13 was told he did not have an appointment and left.

14 5. At approximately 11:30 a.m. on September 20, 2001, Charging  
15 Party called and spoke to Ms. Morrow. During this conversation, Charging Party  
16 identified himself as Mr. Salha and inquired if he had an appointment that day. Ms.  
17 Morrow checked Dr. Wiekhorst's afternoon calendar and confirmed for Charging Party  
18 that his appointment was at 1:00 p.m.

19 6. At approximately 1:00 p.m. on September 20, 2001, Charging Party  
20 returned to Dr. Wiekhorst's office. Charging Party filled out the patient forms and  
21 contacted Donna Meade, the Human Resources Manager at Sprint at the time of the  
22 charge, to confirm that Charging Party had proper insurance, accepted by Respondent,  
23 through Sprint.

24 7. An exchange of words between Charging Party and Ms. Morrow  
25 occurred which resulted in Dr. Wiekhorst coming to the front office. At that point Ms.  
26 Morrow left the room.

27 8. Following an exchange of words between Dr. Wiekhorst and  
28 Charging Party, Dr. Wiekhorst returned Charging Party's paperwork and suggested

1 Charging Party see another dentist.

2 9. During the investigation, Dr. Wiekhorst made the following three  
3 statements:

4 a. In the Position Statement, Dr. Wiekhorst declared that the  
5 events of September 11, 2001, may have greatly affected Charging Party's behavior.

6 b. In response to an Interrogatory, Dr. Wiekhorst stated that he  
7 could not remember another individual who entered his business "in such a bad humor  
8 that he felt that he had to immediately verbally attack his office receptionist and  
9 generally spread terror in the waiting room."

10 c. Dr. Wiekhorst also called Compliance Officer Ray Cruz  
11 during the investigation and asked Cruz to check whether Charging Party was an  
12 undocumented alien or had ties to terrorist organizations.

13 10. Prior to, on, and continuing after September 20, 2001, Dr.  
14 Wiekhorst has treated and continues to treat other patients of both Arab and Middle-  
15 Eastern descent.

16 CONCLUSIONS OF LAW

17 1. The Board concludes that Charging Party's allegations of discrimination  
18 because of his race or national origin are true and that he was refused treatment because  
19 of his race or national origin by Respondent in violation of A.R.S. § 41-1442.

20 DATED this 9 day of July 2002.

21 ARIZONA CIVIL RIGHTS ADVISORY BOARD

22  
23 By Dora Vasquez  
24 Dora Vasquez  
25 Acting Chair

26 ///  
27 ///  
28 ///

1 ORIGINAL of the foregoing filed  
2 this 10<sup>th</sup> day of July 2002, with:

3 Office of the Attorney General  
4 Arizona Civil Rights Advisory Board  
5 Civil Rights Division  
6 1275 W. Washington  
7 Phoenix, AZ 85007

8 COPY of the foregoing mailed  
9 this 10<sup>th</sup> day of July 2002, to:

10 Gary M. Restaino  
11 Assistant Attorney General  
12 Civil Rights Division  
13 Office of the Attorney General  
14 1275 W. Washington  
15 Phoenix, AZ 85007

16 Edwin M. Gaines, Jr., Esq.  
17 Edward Moomjian II, Esq.  
18 CHANDLER TULLAR UDALL & REDHAIR LLP  
19 33 N. Stone Avenue, Suite 2100  
20 Tucson, Arizona 85701-1415  
21 Attorneys for Respondents

22 Richard M. Martinez, Esq.  
23 3131 E. Second Street  
24 Tucson, Arizona 85716-4209  
25 Attorney for Charging Party

26 COPY of the foregoing e-mailed  
27 this 10<sup>th</sup> day of June 2002 to:

28 Arizona Civil Rights Advisory Board Members

By:   
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STATE OF ARIZONA

ARIZONA CIVIL RIGHTS ADVISORY BOARD

THE STATE OF ARIZONA *ex rel.* JANET NAPOLITANO, the Attorney General, and THE CIVIL RIGHTS DIVISION OF THE ARIZONA DEPARTMENT OF LAW

CRD No. 00-3003

ORDER

vs.

CASCADE MOTORS, L.L.C.,

Respondents.

On June 28, 2002, this matter came before the Arizona Civil Rights Advisory Board ("Board") for formal hearing. The State of Arizona was present and represented by Assistant Attorney General Diana Varela. Cascade Auto Sales ("Respondent") did not appear. The Board was advised by Victoria Mangiapane, Assistant Attorney General of the Solicitor General's Office.

Based on the testimony and evidence presented by the parties, the Board makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. Charging Party is an African-American male who purchased an automobile from Respondent on or about August 1999.

2. Cascade Motors, L.L.C. is a limited liability corporation doing business as Respondent Cascade Auto Sales. Respondent is owned by Matt Monson and Marsali Monson. Respondent is in the business of selling used automobiles to members of the public.

3. At all relevant times, Rick Grover was the manager of Respondent.

4. During the time that Charging Party and his girl friend, Rosie Hartsfield,

1 were purchasing a Lexis from Respondent, Grover made remarks reflecting racial  
2 stereotypes of African-American males. Despite these remarks, Charging Party  
3 purchased the car from Respondent.

4 5. On at least one subsequent occasion, when Hartsfield was dropping off a  
5 payment for the Lexis, Grover said to her, "Does that Nigger have money to make the  
6 payment?"

7 6. In approximately November 1999, the Lexis, which Charging Party had  
8 purchased from Respondent, broke down. While Charging Party's car was being  
9 repaired, Charging Party alleges that Grover remarked, "I give you brothers a car and  
10 you fuck it up." Charging Party was given a loaner car at that time.

11 7. On December 4, 1999, the loaner car broke down and Hartsfield reported  
12 it to Grover. Later that day Hartsfield and Charging Party went to Respondent's lot and  
13 met with Grover. During that meeting, Grover told Charging Party that if he did not pay  
14 for the repairs on the car he had purchased, it was going to be repossessed. A heated  
15 argument ensued during which Grover called Charging Party a "Black Nigger" and  
16 ordered him off the property. During the argument, Charging Party picked up a chair,  
17 allegedly to defend himself, and was ordered off the property by Grover. Although the  
18 police were called, Charging Party was never contacted by them.

19 8. Respondent's owner, Matt Monson, subsequently directed a lot attendant,  
20 Omar Carbajal, to write a statement indicating that Charging Party had said "I'm going  
21 to kill all of you white fucking punk bitches." Although Carbajal wrote the statement,  
22 he testified that he did not hear Charging Party make that remark. The only thing he  
23 heard Charging Party say was "This Nigger ain't going to take this shit." Monson was  
24 not on the premises at the time that the incident occurred.

25 9. Charles Hickman is Charging Party's landlord. He testified that on the  
26 morning of December 4, 1999, he took a telephonic message for Charging Party from  
27 someone who identified himself as Grover. The message was, 'You tell that Nigger  
28 mother fucker, don't make any more payments on the Infiniti. The loaner car he

1 destroyed and left out on Golf Links settles this outright.”

2 10. Charging Party filed a charge with the Division on January 21, 2000.

3 CONCLUSIONS OF LAW

4 1. The Board concludes that Charging Party’s allegations of race  
5 discrimination are true and that he was subjected to racially offensive terms and  
6 conditions during his dealings with Respondent and that he was denied  
7 accommodations, advantages, facilities and privileges by Respondent because of his  
8 race in violation of A.R.S. § 41-1442.

9 DATED this 9 day of July 2002.

10 ARIZONA CIVIL RIGHTS ADVISORY BOARD

11  
12 By *Dora Vasquez*  
13 Dora Vasquez  
14 Acting Chair

15 ORIGINAL of the foregoing filed  
16 this 10<sup>th</sup> day of July 2002, with:

17 Office of the Attorney General  
18 Arizona Civil Rights Advisory Board  
19 Civil Rights Division  
20 1275 W. Washington  
Phoenix, AZ 85007 ==

21 COPY of the foregoing mailed  
22 this 10<sup>th</sup> day of June 2002 to:

23 Diana L. Varela  
24 Assistant Attorney General  
25 Civil Rights Division  
26 Office of the Attorney General  
1275 W. Washington  
Phoenix, AZ 85007

27  
28 ///

1 Jerry L. Laney  
2 Laney & Jaszewski  
3 New World Plaza  
4 5055 E. Broadway, Suite C-202  
5 Tucson, AZ 85711-3641  
6 Statutory Agent for Respondent

7 COPY of the foregoing e-mailed  
8 this 10<sup>th</sup> day of June 2002 to:

9 Arizona Civil Rights Advisory Board Members

10 By: *A. Simpson*  
746640

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**ARIZONA CIVIL RIGHTS ADVISORY BOARD**

1275 West Washington  
Phoenix, Arizona 85007  
(602) 542-5263

BOARD MEMBERS

Dora L. Vasquez, Chair  
Marci Rios, Vice-Chair  
Kimberly Allen  
Renee R. Barstack  
Steve M. Gallardo  
Scott D. Kirtley  
Carl Landrum

February 15, 2002

Ms. Erin Morris  
Project Coordinator  
Community Services Department  
City of Tucson  
310 N. Commerce Park Loop  
P.O. Box 27210  
Tucson, AZ. 85726-7210

RE: Arizona Civil Rights Advisory Board ("ACRAB")

Dear Ms. Morris:

On behalf of the Arizona Civil Rights Advisory Board I would like to extend to you a belated thank you for your excellent presentation at our November 16, 2001 Board meeting in Tucson.

The City of Tucson's study, "*Taking Stock on Arizona's Distressed Mobile Home Parks*" truly address the problems associated with distressed housing in Arizona. Your work as Project Coordinator is appreciated and your knowledge on the subject matter is commendable.

Our next ACRAB meeting is scheduled for February 22, 2002, in Mesa, Arizona. If you would like to receive an agenda or care to be added to our e-mail distribution list of upcoming meetings, please e-mail Susan Simpkins at [susan.simpkins@ag.state.az.us](mailto:susan.simpkins@ag.state.az.us).

Again thank you.

Sincerely,



Dora L. Vasquez  
Chair

**ARIZONA CIVIL RIGHTS ADVISORY BOARD**

1275 West Washington  
Phoenix, Arizona 85007  
(602) 542-5263

BOARD MEMBERS

Dora L. Vasquez, Chair  
Marci Rios, Vice-Chair  
Kimberly Allen  
Renee R. Barstack  
Steve M. Gallardo  
Scott D. Kirtley  
Carl Landrum

February 15, 2002

Mr. Tom Berning  
Litigation Director  
William Morris Institute for Justice  
100 N. Stone, #305  
Tucson, AZ 85701-0001

RE: Arizona Civil Rights Advisory Board ("ACRAB")

Dear Mr. Berning:

On behalf of the Arizona Civil Rights Advisory Board I would like to extend to you a belated thank you for your excellent presentation on the Flores Decision at our November 16, 2001 Board meeting in Tucson.

Your work in advocating for Arizona's children is commendable and your presentation truly outlined the funding necessary to comply with Flores Order. We wish you the best.

Our next ACRAB meeting is scheduled for February 22, 2002, in Mesa, Arizona. If you would like to receive an agenda or be added to our e-mail distribution list of upcoming events, please e-mail Susan Simpkins at [susan.simpkins@ag.state.az.us](mailto:susan.simpkins@ag.state.az.us).

Again thank you.

Sincerely,

  
Dora L. Vasquez  
Chair

**ARIZONA CIVIL RIGHTS ADVISORY BOARD**

1275 West Washington  
Phoenix, Arizona 85007  
(602) 542-5263

BOARD MEMBERS  
Dora L. Vasquez, Chair  
Marci Rios, Vice-Chair  
Kimberly Allen  
Renee R. Barstack  
Steve M. Gallardo  
Scott D. Kirtley  
Carl Landrum

February 19, 2002

Mr. Jaime A. Molera  
Superintendent of Public Instruction  
Arizona Department of Education  
1535 W. Jefferson Street  
Phoenix, Arizona 85007

RE: Arizona Department of Education - Safe Schools Program

Dear Superintendent Molera:

In November 2001, Mr. Layton Dickerson, Safe Schools Specialist with the Department of Education, presented an overview of the Safe Schools Program at the Arizona Civil Rights Advisory Board ("ACRAB") hearing held in Tucson.

Mr. Dickerson's excellent presentation provided our board with information about the program and school safety in general. ACRAB would like to commend Mr. Dickerson, for a job well done in implementing the Safe School Program in compliance with Senate Bill 1559. In addition, we would ask that your office consider a civil rights component in school safety planning.

Again, on behalf of ACRAB, I would like to commend Mr. Dickerson for a job well done. If our Board may be of any service to you, please feel free to contact us via the Civil Rights Division of the Attorney General's Office at 602-542-7767. Thank you.

Sincerely,



Dora Vasquez  
Chair

cc: Layton Dickerson

COPY - vH6  
file

ARIZONA CIVIL RIGHTS ADVISORY BOARD

1275 West Washington  
Phoenix, Arizona 85007  
(602) 542-5263



September 28, 2001

Mr. Steven W. Lynn  
Chairman  
Arizona Independent Redistricting Commission  
1400 West Washington Street, Suite B 10  
Phoenix, Arizona 85007

Dear Mr. Lynn:

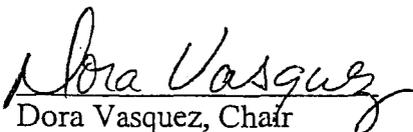
The Arizona Civil Rights Advisory Board ("ACRAB") would like to commend you and the members of the Arizona Independent Redistricting Commission for your extraordinary efforts to include all citizens of our great state in the redistricting process.

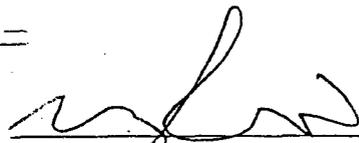
We are especially encouraged by the special attention to the redistricting needs expressed to you by our Native American and Hispanic communities of interest. While it certainly is not easy to make everyone happy, your commission has displayed great diplomacy in addressing the issues identified by many special interests groups and government entities.

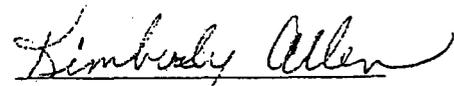
ACRAB is confident that you will complete the redistricting process in a timely manner and in accordance with the provisions set forth by Proposition 106. We have only one simple request - that above all, districts be created in compliance with the Voting Rights Act.

Again, thank you for a job well done. If we can be of any service to you, please contact us through the Civil Rights Division of the Attorney General's Office at 602-542-7767.

Sincerely,

  
Dora Vasquez, Chair  
Casa Grande

  
Marci Rios, Vice-Chair  
Yuma

  
Kimberly Allen  
Glendale

  
Renee Barstack  
Phoenix

  
Steve Gallardo  
Phoenix

  
Scott D. Kirtley  
Tucson

  
Carl Landrum  
Gilbert



# City of Casa Grande

RECEIVED  
OCT 17 2000  
CIVIL RIGHTS SECTION

October 16, 2000

Arizona Attorney General Civil Rights  
Advisory Board  
1275 W. Washington Street  
Phoenix, Arizona 85007

**Re: Civil Rights Advisory Board Letter & Resolution 00-1**

Dear Chairperson Vasquez and Advisory Board Members:

Thank you for your letter date October 2, 2000. We understand that we, as City leaders, must participate in the universal problem of eliminating racism and cultural insensitivity. The City of Casa Grande is very concerned that it connect with its citizens through the provision of all its services including law enforcement. To that end, Casa Grande City Manager, Ken Buchanan outlined, on August 21, 2000, for the Casa Grande City Council, and is implementing thereafter, the following action plan to improve all City employees' ability to serve all of our citizens.

1. All personnel in the Casa Grande Police Department are to undergo educational and informational training specific to law enforcement on cultural diversity and awareness.
2. The formulation of a citizens committee to assist the Office of the City Manager and Police Chief with the responsibility of addressing community policing, community relations and law enforcement concerns. This committee will be tasked with developing an agenda of issues and action plan to ensure effective community policing and community relations.
3. Formation of an internal committee comprised of City employees to assist in cultural awareness and diversity within the organization.
4. All City personnel must attend emphasizing cultural diversity and cultural awareness and respect presented by the consulting firm of Ibarra & Pedrini.
5. Addition of a layer of review by the Office of the City Manager for any and all allegations lodged against the City of Casa Grande Police Department.

October 2, 2000

Honorable Robert Mitchell  
Mayor  
City of Casa Grande  
510 E. Florence Blvd.  
Casa Grande, Arizona 85222

Dear Mayor Mitchell:

On behalf of the members of the Arizona Civil Rights Advisory Board (ACRAB), I would like to thank you for the opportunity to conduct a public hearing on September 22, 2000 concerning law enforcement and community relations within your City.

Enclosed is the ACRAB Resolution 00-1, which is the outcome of our public meeting, recommending the implementation of a Casa Grande Police Department Citizens Advisory Committee. I am confident that through your leadership, this Advisory Committee will serve as the mechanism to greatly improve relations between the Community members and the Police Department.

Please have someone from your staff contact me either via telephone (602) 506-8054 or by E-Mail at [DoraVasquez@mail.maricopa.gov](mailto:DoraVasquez@mail.maricopa.gov) with the date the resolution will be heard by the City Council, so that I can coordinate my schedule to attend.

Again, on behalf of the ACRAB members, thank you for your support and cooperation. I look forward to positive results from the implementation of the advisory committee and believe that the negative perceptions of cultural insensitivity by the police department will soon be alleviated. Please let us know if ACRAB can be of any assistance to you in the implementation of your board.

If you have any questions concerning this matter, please feel free to contact me. I can be reached during normal working hours at (602) 506-8054 or after 6 p.m. I can be reached at (623) 334-4980.

Sincerely,

==

  
Dora L. Vasquez  
Chairperson  
Arizona Civil Rights Advisory Board

cc: Casa Grande Police Chief, Bob Huddelston  
Wanda Williams, President, Pinal NAACP  
Virginia Rivera, President, Pinal Hispanic Community Forum

Enclosure: ACRAB Resolution

Civil Rights Advisory Board  
Page Two.....

Although Casa Grande Police Chief Robert Huddleston testified about the prior implementation of this action plan at your hearing in Casa Grande on September 22, 2000, I wanted to again emphasize our actions to improve our relationships with all of our citizens.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Mitchell", with a long horizontal line extending from the end of the signature.

Robert "Bob" Mitchell  
Mayor  
of the City of Casa Grande

cc: Janet Napolitano, Arizona Attorney General  
Paul Bullis, ACRAE Executive Director  
Ken Buchanan, Casa Grande City Manager  
Robert Huddleston, Casa Grande Police Chief  
Wanda Williams, President, Pinal NAACP  
Virginia Rivera, President, Pinal Hispanic Community Forum

## RESOLUTION NO. 00-01

### RESOLUTION OF THE ARIZONA CIVIL RIGHTS ADVISORY BOARD RECOMMENDING THE IMPLEMENTATION OF THE CASA GRANDE POLICE DEPARTMENT CITIZENS ADVISORY BOARD

**WHEREAS**, the Arizona Civil Rights Advisory Board was created by the Arizona Legislature in accordance with ARS 41-1401 and is empowered to conduct hearings and foster through community efforts in cooperation with both public and private groups the elimination of discrimination based on race, color, religion, sex, age, handicap or national origin;

**WHEREAS**, the Arizona Civil Rights Advisory Board conducted a public hearing in Casa Grande, Arizona on September 22, 2000, concerning law enforcement and community relations.

**WHEREAS**, the Arizona Civil Rights Advisory Board heard testimony from Casa Grande residents who expressed the following:

- Some level of cultural insensitivity exists within the local law enforcement agency;
- The existing relationship between the community and the local law enforcement agency needs to be improved;
- A local Citizens Advisory Board should be implemented to work with the local law enforcement agency to address issues such as cultural insensitivity;

**NOW, THEREFORE BE IT RESOLVED THAT** the Arizona Civil Rights Advisory Board hereby:

Recommends the implementation of the Casa Grande Citizens Advisory Board to work with the Casa Grande Police Department.

**PASSED, ADOPTED AND APPROVED BY THE ARIZONA CIVIL RIGHTS ADVISORY BOARD THE 22<sup>ND</sup> DAY OF SEPTEMBER, 2000.**

BY: Dora L. Vasquez  
Dora L. Vasquez, Chairperson  
Arizona Civil Rights Advisory Board

10.2.00  
Date

**SUNSET REVIEW HEARING  
MEETING NOTICE**

## ARIZONA STATE LEGISLATURE

### INTERIM MEETING NOTICE OPEN TO THE PUBLIC

#### SENATE JUDICIARY AND HOUSE JUDICIARY COMMITTEE OF REFERENCE

**Date:** Wednesday, December 12, 2007

**Time:** 9:30 A.M. or upon adjournment of Senate Judiciary Committee of Reference and House of Representatives Natural Resources and Public Safety Committee of Reference

**Place:** SHR 1

#### AGENDA

1. Call to Order
2. Roll Call
3. Arizona Civil Rights Advisory Board
  - Presentation
  - Public Testimony
  - Discussion
  - Recommendations by the Committee of Reference
4. Arizona Supreme Court - Administrative Office of the Courts
  - (i) Juvenile Detention Centers
    - Presentation by the Auditor General
    - Presentation by Administrative Office of the Courts
    - Public Testimony
    - Discussion
    - Recommendations by the Committee of Reference
  - (ii) Juvenile Treatment Programs
    - Presentation by the Auditor General
    - Presentation by Administrative Office of the Courts
    - Public Testimony
    - Discussion
    - Recommendations by the Committee of Reference
5. Adjournment

**Members:**

Senator Chuck Gray, Co-Chair  
Senator Ken Chevront  
Senator Ron Gould  
Senator Richard Miranda  
Senator Jim Waring

Representative Adam Driggs, Co-Chair  
Representative Kirk Adams  
Representative Kyrsten Sinema  
Representative Steven Yarbrough  
Vacant

11/13/07

br

**Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the Senate Secretary's Office: (602)926-4231 (voice). Requests should be made as early as possible to allow time to arrange the accommodation.**

**SUNSET REVIEW HEARING  
MEETING MINUTES**

**ARIZONA STATE LEGISLATURE**

**SENATE JUDICIARY AND HOUSE JUDICIARY COMMITTEE OF REFERENCE**

**Minutes of the Meeting  
Wednesday, December 12, 2007  
9:30 a.m., Senate Hearing Room 1**

**Members Present:**

Senator Chuck Gray, CoChair  
Senator Ken Cheuvront  
Senator Ron Gould  
Senator Richard Miranda  
Senator Jim Waring

Representative Adam Driggs, CoChair  
Representative Kirk Adams  
Representative Thomas Chabin  
Representative Kyrsten Sinema  
Representative Steven Yarbrough

**Staff:**

Christina Estes-Werther, Senate Judiciary Research Analyst  
Jessica Ripplinger, Senate Assistant Research Analyst

Cochairman Gray called the meeting to order at 10:15 a.m. and attendance was taken.

**Arizona Civil Rights Advisory Board**

**Christina Estes-Werther, Senate Judiciary Research Analyst**, gave an overview of the Arizona Civil Rights Advisory Board.

**Melanie Pate, Executive Director, Arizona Civil Rights Advisory Board**, testified in support of the continuation of the Arizona Civil Rights Advisory Board and answered questions posed by the Committee.

**Jason Martinez, Arizona Civil Rights Advisory Board**, testified in support of the continuation of the Arizona Civil Rights Advisory Board and answered questions posed by the Committee.

**Tony Lopez, Arizona Civil Rights Advisory Board**, testified in support of the continuation of the Arizona Civil Rights Advisory Board.

**Fentness Truxon, representing himself**, testified in support of the continuation of the Arizona Civil Rights Advisory Board.

**Reginald Ragland, representing himself**, testified in support of the continuation of the Arizona Civil Rights Advisory Board.

**Diane D'Angelo, representing herself,** testified in support of the continuation of the Arizona Civil Rights Advisory Board.

**Representative Driggs moved that the Senate Judiciary and House Judiciary Committee of Reference recommend the continuation of the Arizona Civil Rights Advisory Board for ten years. The motion passed by voice vote.**

**Arizona Supreme Court – Administrative Office of the Courts; Juvenile Detention Centers**

**Christina Estes-Werther, Senate Judiciary Research Analyst,** gave an overview of the Juvenile Detention Centers and answered questions posed by the Committee.

**Dale Chapman, Office of the Auditor General,** gave a PowerPoint presentation (Attachment A) entitled *Arizona Supreme Court Administrative Office of the Courts; Juvenile Detention Centers* and answered questions posed by the Committee.

**Katy Proctor, Administrative Office of the Courts, Arizona Judicial Council,** gave a presentation regarding the audit of the Juvenile Detention Centers and answered questions posed by the Committee.

**Rob Lubitz, Arizona Supreme Court,** testified in support of the audit and answered questions posed by the Committee.

Mr. Chapman answered further questions posed by the Committee.

Mr. Lubitz answered further questions posed by the Committee.

**Arizona Supreme Court – Administrative Office of the Courts; Juvenile Treatment Programs**

**Jessica Ripplinger, Assistant Senate Judiciary Research Analyst,** gave an overview of the Juvenile Treatment Programs.

Mr. Chapman gave a PowerPoint presentation (Attachment B) entitled *Arizona Supreme Court Administrative Office of the Courts; Juvenile Treatment Programs* and answered questions posed by the Committee.

Ms. Proctor agreed with recommendations contained within the audit.

Mr. Lubitz answered questions posed by the Committee.

There being no further business, the meeting was adjourned at 12:12 p.m.

Respectfully submitted,



Jeff Turner  
Committee Secretary

(Tapes and attachments on file in the Secretary of the Senate's Office/Resource Center, Room 115.)