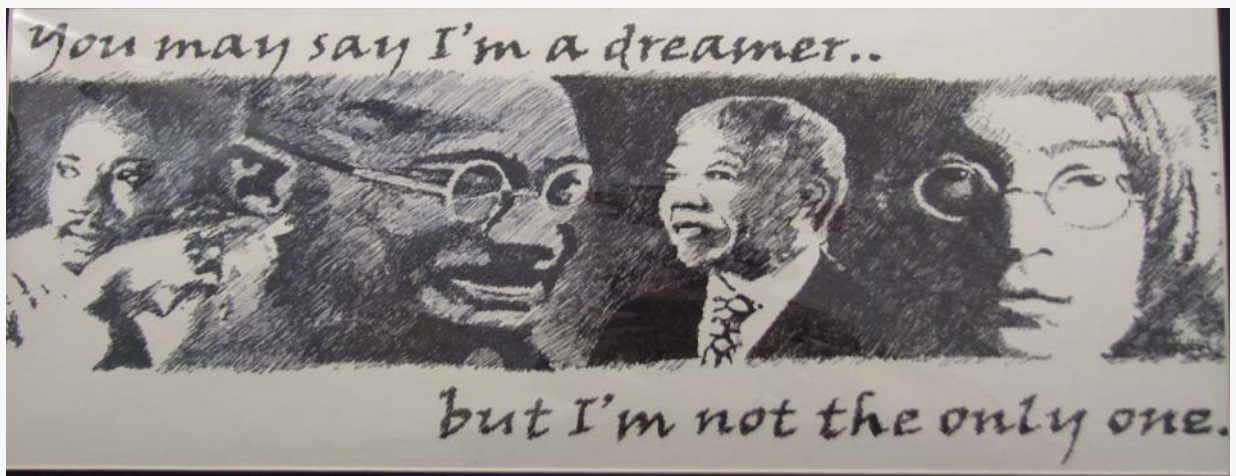




# *OHIO CIVIL RIGHTS COMMISSION 2011 ANNUAL REPORT*



Dr. Martin Luther King, Jr. Art Contest Winner, "Freedom Songs"  
Maddie Griffiths—12th Grade, Milton-Jackson High School

The Honorable John Kasich, Governor

Eddie Harrell, Jr., Chairman

Leonard Hubert, Commissioner

Rashmi Yajnik, Commissioner

Stephanie Mercado, Commissioner

Tom Roberts, Commissioner

*“Where after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person: the neighborhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, and equal dignity, without discrimination. Unless these rights have meaning there, they have little meaning anywhere.”* Eleanor Roosevelt



## ***Table of Contents***

<b>Foreword</b>	4
<b>Commissioners</b>	5
<b>Mission, Vision and Values</b>	6
<b>Historical Prospective</b>	7
<b>Powers and Duties of the Ohio Civil Rights Commission</b>	7
<b>Chronology of Historical Highlights</b>	8
<b>Investigation and Enforcement</b>	
Charges Filed by Regional Office	10
Charges Filed by Protected Class	11
Alleged Issues of Charges Filed	11
Intake by County	12
Case Closure	13
Types of Charges Closed	13
<b>Public Affairs &amp; Community Service</b>	
Education & Outreach Activities	14
Annual Civil Rights Hall of Fame	16
<b>Regional Offices</b>	
Akron	18
Cleveland	18
Columbus	20
Dayton and Cincinnati	21
Toledo	22
<b>Financial Data</b>	23





June 30, 2011

To Governor Kasich, Members of the 129<sup>th</sup> General Assembly and Citizens of Ohio:

On behalf of our Commissioners and staff, it is my pleasure to submit our annual report for Fiscal Year 2011. This report reflects the efforts made by the Ohio Civil Rights Commission to ensure all citizens can live, work and enjoy the many opportunities available in our great state. Because of our stewardship and the enforcement powers provided under Ohio Revised Code Chapter 4112, many Ohioans are living and working in communities where differences are valued and universal hopes and dreams are celebrated.

Ohio and her constituents continue to face a difficult economy. Our challenges are great, but we will always champion those who face discrimination and need our voice.

We are very appreciative of your continuing trust and support and I invite you to contact us with your questions and concerns.

Respectfully,

A handwritten signature in black ink, appearing to read "G. Michael Payton". The signature is written in a cursive, flowing style.

G. Michael Payton  
Executive Director



## ***Commission Members***

The Ohio Civil Rights Commission has five Commissioners appointed by the Governor with the advice and consent of the Senate. Commissioners are appointed to five-year staggered terms. By law, no more than three Commissioners can be of the same political party. The Governor designates one of the Commissioners to serve as Chairperson. The five-member Commission meets regularly to discuss civil rights policy and rule on recommendations from the OCRC's five regional offices regarding charges and investigations of discrimination.



### **Eddie Harrell, Jr.—Chairman (Columbus)**

Appointed Commissioner July 2008 and appointed Commission Chairman February 2009. His current term expires July 2012.



### **Leonard Hubert (Granville)**

Appointed Commissioner July 2006 and served as Interim Chairman from January 2008 through February 2009. His current term expires July 2011.



### **Stephanie Mercado (Cleveland)**

Appointed Commissioner January 2010 to a term expiring in 2014.



### **Tom Roberts (Dayton)**

Appointed Commissioner March 2009 to an unexpired term and reappointed 2010 to a term expiring 2015.



### **Rashmi Yajnik (Hilliard)**

Appointed Commissioner August 2006 to an unexpired term and reappointed in 2008 to a term expiring 2013.



## ***Mission***

The Ohio Civil Rights Commission is the primary educator and enforcer of Ohio's Laws Against Discrimination. We strive to be professional, competent and fair to our clients and all Ohio citizens as we educate the public and investigate claims of discrimination. It is our responsibility to be a strong force in promoting positive human relations among our diverse population.

We value employees for commitment, skills and creativity. We provide a work environment based on empowerment, respect for others and honesty. We create a culture where daily learning is valued and opportunities for professional growth and training are provided. We incorporate technological innovations and processes in achieving our mission.

## ***Core Values***

***PUBLIC SERVICE***--We are committed to educating and serving in a professional and effective manner. Quality service will be accomplished by using skilled and motivated employees who are responsive to our constituents' needs.

***DEDICATION***--We will demonstrate our commitment to public service by being responsible, dependable and proactive professionals. We will maintain pride and excellence in fulfilling our mission.

***TEAMWORK***--We will empower our employees to achieve a quality work product and a harmonious workplace through open communication, positive interaction and a spirit of cooperation.

***RESPECT***--We respect the diversity, talents and ideas of all OCRC employees, our most valued resources. We honor the right of every employee and the public to contribute, to be heard and to be treated with dignity.

***INTEGRITY***--We pledge to fulfill our duties and responsibilities in a fair and impartial manner. We will be honest and trustworthy in our relationships with one another and with the public.





## ***A Historical Perspective of Ohio's Laws Against Discrimination***

Ohio has one of the longest histories of civil rights enforcement in the country. The Ohio Public Accommodations Law of 1884 was enacted to prohibit discrimination on the basis of race in all public facilities. This law applied to movie theaters, stores and restaurants. More than 70 years later in 1959 Ohio became the 16th state to ratify legislation prohibiting discrimination in employment on the basis of race, color, religion, national origin and ancestry. Ohio's Fair Employment Practices Law was championed under the leadership of Ohio Governor C.W. O'Neil and was signed into law on July 29, 1959 by Governor Michael V. DiSalle as the Ohio Civil Rights Act of 1959.

This new law established Ohio's Fair Employment Practices Commission - charged with enforcing Ohio's Laws Against Discrimination. In 1961, the Ohio General Assembly renamed the agency the Ohio Civil Rights Commission (OCRC). While primarily concerned with discrimination in employment, the Ohio legislature granted discretionary authority to study, advise and issue statements regarding all civil rights related matters of the state.

### ***Powers and Duties of the Ohio Civil Rights Commission***

The general powers and duties of the Commission are to receive, investigate, render formal determinations and conciliate charges of unlawful discrimination in the areas of employment, housing, public accommodations, credit and disability in institutions of higher education. It is the Commission's responsibility to educate constituents and stakeholders about Ohio's Laws Against Discrimination. The Commission prepares a comprehensive educational program for the students of Ohio's public schools. These programs are designed to eliminate prejudice, its harmful effects and its incompatibility with American principles of equality and fair play.



## ***Chronology of Historical Highlights:***

On April 25, 1958, Governor C. William O'Neill appointed a statewide Governor's Advisory Commission on Civil Rights. Citizens from all parts of the state representing business, education, government, industry, labor, and social welfare were invited to meet at the Governor's Office in Columbus for the first meeting of the Commission. Charles Y. Lazarus of Columbus was appointed as Chairman, Reverend Hugh E. Dunn of Cleveland, John L. Feudner of Akron, and Anthony Haswell of Dayton were appointed as Vice Chairmen. Donald Beatty and Chester J. Gray of the Ohio Bureau of Unemployment Compensation were appointed as staff consultants. At this meeting, Governor O'Neill emphasized that it was his desire and purpose to "inaugurate and implement a constructive, long range program in Ohio to insure all citizens of the state their equitable and full enjoyment of the civil rights provided by the constitution." In furtherance of this purpose, he instructed the Commission to avoid involvement in anything that might be wrongly interpreted as a political issue. *From "THE ROAD TO EQUALITY AND THE PASSAGE OF THE FIRST CIVIL RIGHTS LAW IN OHIO"*

"This Commission believes a stable, healthy society and sound economy requires the greatest possible use of all manpower potential. We further believe that progress in the field of civil rights is fundamentally a job of education, enlightenment, and influencing our neighbors to understand the many facets of this subject. Therefore, we recommend that the State of Ohio be concerned with the problem of civil rights on a continuing basis through the establishment of a State Civil Rights Commission."

Charles Y. Lazarus, Chairman

Report of The Governor's Advisory Commission on Civil Rights, 1958





**July 29, 1959:** Ohio Fair Employment Practices Commission established

**1961:** Agency name changed to Ohio Civil Rights Commission (OCRC)

**1961:** Ohio's Laws Against Discrimination amended to include the prohibition of discrimination in employment

**1965:** Ohio's Laws Against Discrimination amended to include protections against discrimination in housing

**1976:** Ohio's Laws Against Discrimination amended to include protections against discrimination in the issuance of credit

**1978:** The OCRC and the US Equal Employment Opportunity Commission (EEOC) enter into a Work Sharing Agreement which provides dual filing for employment charges

**1984:** Ohio's Laws Against Discrimination amended to include the prohibition of discrimination against the disabled in institutions of higher education

**1988:** OCRC and U.S. Department of Housing & Urban Development (HUD) enter into a Work Sharing Agreement to eradicate housing discrimination

**1992:** Amended Substitute H.B. 321 brought Ohio's fair housing statute into conformity with federal fair housing legislation by adding "familial status" to the protected classes and a one year filing period for housing discrimination charges

**1998:** Introduction of an Alternative Dispute Resolution program. During the first year the Commission successfully mediated 73% of all charges electing to participate in the program

**1999:** Alternative Dispute Resolution program recognized by the U. S. Department of Housing and Urban Development with a "Best Practices" award

**2008:** Military Status added to protected classes

**2009:** Ohio Civil Rights Commission celebrates 50<sup>th</sup> Anniversary

**2009:** Annual Ohio Civil Rights Hall of Fame established. The program acknowledges outstanding Ohioans who are pioneers in human and civil rights and who have advanced the goals of equality and inclusion



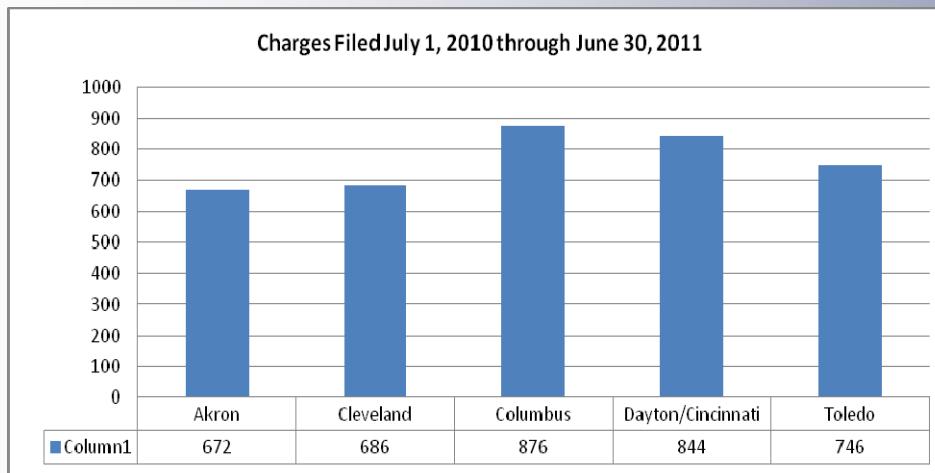
## ***Investigation & Enforcement***

Anyone who lives or works in Ohio and believes they have been subjected to unlawful discrimination may file a charge with the Ohio Civil Rights Commission. Our offices are located in Akron, Cincinnati, Cleveland, Columbus, Dayton and Toledo. Complaints must be filed within six months (or one year for housing complaints) of the alleged act of discrimination.

employment and housing cases when the preliminary information indicates there may be a pattern or practice of discrimination within an entire system (“systemic discrimination”).

The Ohio Civil Rights Commission has one year from the date on which the charge of discrimination was filed to complete the investigation.

Once the charge of discrimination is



received the case is assigned to an investigator who sends letters and a copy of the charge affidavit via U.S. Mail to the person filing the charge (Charging Party) and to the company/person against whom the

charge was filed. (Respondent)

The complaint must be based on the belief the discriminatory act occurred because of the person’s race, color, sex, disability, age, religion, national origin, ancestry, familial status, military status or retaliation for having participated in a protected activity.

The OCRC has the power to self-initiate an investigation in

### **MEDIATION**

The Ohio Civil Rights Commission offers a voluntary mediation program and employs trained mediators in each of its regional offices. Mediation requires both parties voluntarily agreeing to participate in the process. The purpose of the mediation is to



## ***Investigation & Enforcement***

### ***Charges Filed by Protected Class July 1, 2010 through June 30, 2011***

Race/Color	1,461
Religion	81
National Origin/Ancestry	285
Age	652
Retaliation	970
Gender/Pregnancy	957
Disability	1,099
Familial Status	134
Total	5,639

resolve the issues in a manner that is mutually satisfactory to the parties. Mediation is not the forum to determine the merits of a case. If mediation is successful, the case is closed and no further action will be taken. If mediation is not successful or if one party declines participation, a full investigation will commence.

In 2011 mediators conducted 575 mediations. 79.3% resulted in a successful settlement with an average processing time of 41.6 days.

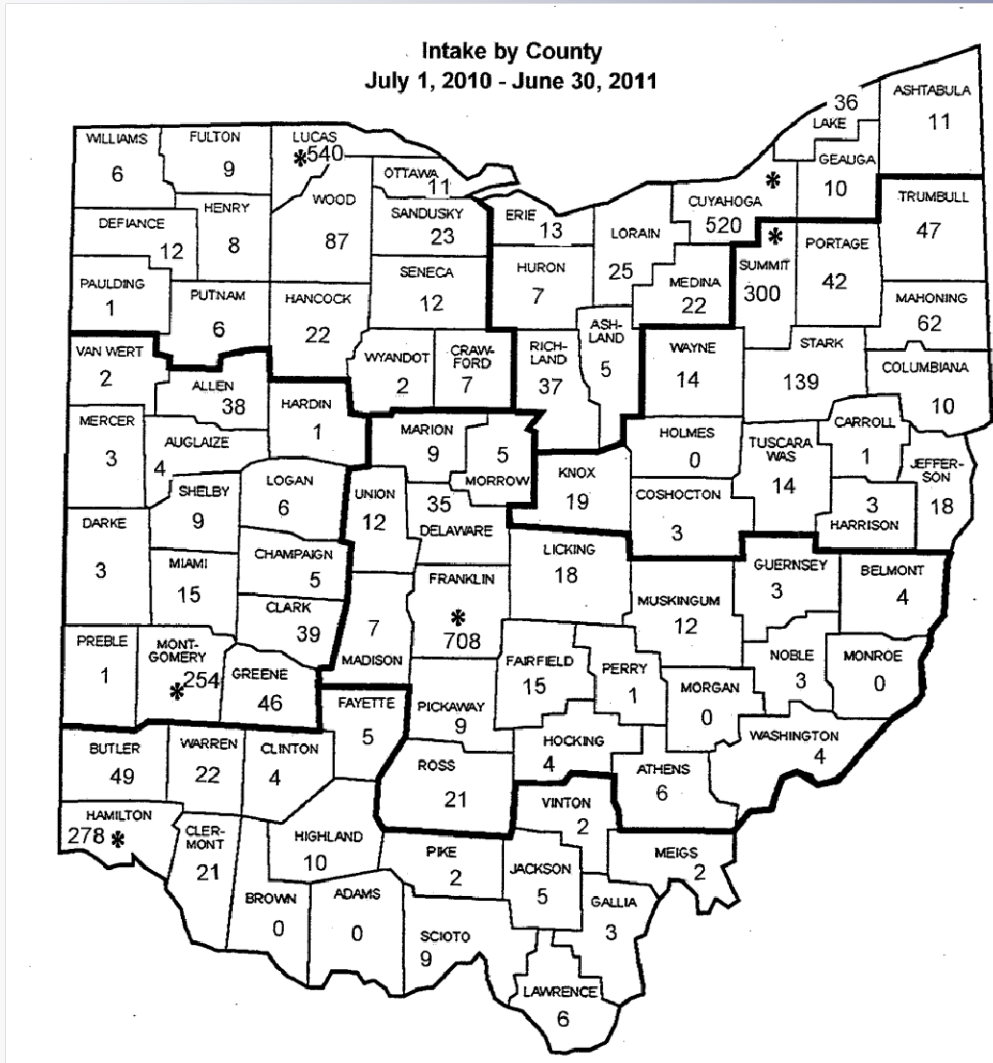
The OCRC'S mediation program began in 1997 and successfully resolves about 80% of their referrals within 42 days or less.

### ***Alleged Issues of Charges Filed Charges may be filed alleging more than one issue***

Advertising	70
Benefits	6
Constructive Discharge	177
Demotion	118
Discharge	1,645
Discipline	653
Exclusion	27
Harassment	677
Hiring	166
Housing Specific Issues	510
Intimidation	106
Layoff	84
Maternity	23
Other	5
Promotion	147
Reasonable Accommodation	353
Recall	11
Reinstatement	3
Sexual Harassment	213
Suspension	64
Terms & Conditions	859
Training	17
Union Representation	26
Wages	51



# Investigation & Enforcement



## INVESTIGATION

Our investigations use a team approach including managers, staff investigators and legal counsel in gathering evidence and interviewing witnesses. If the evidence obtained during the course of the investigation is insufficient to substantiate the charge of discrimination, the Commission makes a finding **NO PROBABLE CAUSE**.

If the evidence is sufficient to substantiate a discriminatory act occurred, the Commission makes a finding of **PROBABLE CAUSE**. The OCRC attempts to resolve the matter using informal methods of conference, conciliation and persuasion. If unsuccessful, a formal complaint is issued and the case is scheduled for public hearing. The Civil Rights Section of the Ohio Attorney General's Office represents the Commission in all matters of litigation.





## ***Investigation & Enforcement***

<b><i>Case Closures July 1, 2010 through June 30, 2011</i></b>	
Settlements	416
Withdrawal With Benefits	474
Successful Conciliation after Probable Cause Finding	68
Probable Cause– Issue Formal Complaint	180
No Probable Cause	2,398
Failure to Cooperate	55
Withdrawal Without Benefits	294
No Jurisdiction	97
Administrative Closures	67
Hearings Closures	7
<b>Total Closures</b>	<b>4,056</b>

### **RECONSIDERATION**

Reconsideration is the internal appeals process created by Ohio Administrative Code 4112-3-4 and is available to any party disagreeing with the determination of the Commission. Approximately 4% of the Commission’s decisions are appealed.

### **ENFORCEMENT**

The Ohio Civil Rights Commission has authority to enforce Conciliation Agreements and Consent Orders when it is a party to the agreement.

<b>Types of Charges Closed July 1, 2010 through June 30, 2011</b>	
Employment	3,129
Housing	663
Public Accommodation	244
Credit	4
Disability in Higher Education	16
<b>Total</b>	<b>4,065</b>



## Education and Outreach

***The Ohio Civil Rights Commission (OCRC) inspires cultural awareness and sensitivity throughout our diverse state with educational and outreach activities. Examples of our outreach activities include:***

**July** \* Commissioner Hubert arranged a meeting for Commissioners and staff with Nigerian physician Dennis C. Nwachukwu. Dr. Nwachukwu serves as Commissioner for Nigeria's National Assembly Service Commission.

**August** \* Desmon Martin received the Columbus Urban League's Operation Brightside Teen Image Award for his mentoring of summer interns. Judge Laurel Beatty provided the keynote address.

**September** \* Columbus Investigator Richard Garcia, a military veteran, was interviewed by the Ohio Historical Society about the role of Latinos in the military. The Ohio Historical Society is developing a program highlighting contributions and experiences of Latinos serving the armed forces.

**September** \* Second Annual Civil Rights Hall of Fame. United States Senator Sherrod Brown provided the keynote address.

**September** \* The Commission held its regular public meeting on the campus of Rhodes State College in Lima, Ohio. Darlene Newbern, Toledo Regional Director, provided a forum for students to ask questions about our procedures and the cases being heard by the Commissioners .

**September** \* Ronnell Tomlinson, OCRC's Director of Alternative Dispute Resolution, provided mediation training to business students at Wright State University.

**October** \* Norman Gibson, Dayton/Cincinnati Regional Director spoke with the Cincinnati City Council on how credit scoring and prior convictions are being used in employment decisions and their disparate impact on minority applicants.

**October** \* Commissioner Leonard Hubert, Executive Director G. Michael Payton, Toledo Regional Director Darlene Newbern and staff member Mary Gagen attended the Toledo NAACP Chapter's Freedom Fund Dinner in Toledo.





## Education and Outreach

**December** \* OCRC partnered with the Central Ohio Transit Authority, The Ohio State University and the Ohio Historical Society in commemorating the Sixth Annual Rosa Parks Day at the Center of Science and Industry in Columbus, Ohio. Chairman Harrell provided welcoming remarks.

**January** \* Executive Director Payton received a plaque from the U.S. Equal Employment Opportunity Commission in recognition of OCRC's support.

**January** \* Director Payton, Director of Operations and Chief Regional Counsel Keith McNeil and Columbus Regional Director Marcy Valenzuela met with State Representative Dave Hall to discuss the OCRC's mission and process

**January** \* Dayton/Cincinnati Regional Director Norman Gibson and Dayton investigator member Anthony Corona provided an overview of OCRC's process and answered questions at the Dayton Bar Association's Continuing Legal Education seminar.

**February** \* Commissioner Hubert and Columbus Pastor Timothy Clark were Senator Rob Portman's guests of honor at the 59<sup>th</sup> annual National Prayer Breakfast in Washington, D.C.

**February** \* Governor John Kasich provides the keynote address at our annual Dr. Martin Luther King, Jr. Art, Essay and Multimedia Contest recognition ceremony.

**March** \* Commissioner Hubert selected as the NAACP's 2011 Civil Rights Honoree

**April** \* The Commission held its regular public meeting at the Cleveland State University, Marshall College of Law.

**May** \* The Commission held its regular public meeting at Wright State University.

**May** \* Director Payton attended "The Business Case for Breastfeeding", a workshop hosted by the Columbus Health Department.



Ted Strickland  
*Governor*

G. Michael Payton  
*Executive Director*



*Commissioners:* Eddie Harrell, Jr., *Chair* Leonard Hubert Stephanie Mercado Tom Roberts Rashmi Yajnik

SECOND ANNUAL  
**HALL OF FAME**  
OCTOBER 14, 2010

AVERY FRIEDMAN  
DR. KARLA IRVINE  
ERIC PARKS  
RHONDA RIVERA  
DR. MARIAN SPENCER

DR. FRANK W. HALE, JR.  
WILLIAM MCCULLOCH  
SALVADOR RAMOS  
DR. RATANJIT SONDHE  
BALDEMAR VELASQUEZ

*Mistress of Ceremonies – Angela Pace of WBNS 10TV*





The Ohio State Highway Patrol Honor Guard



Our 2010 honorees:



Atrium of the Ohio Statehouse



Keynote Speaker Senator Sherrod Brown and  
Mistress of Ceremony Angela Pace

*The Annual Ohio Civil Rights Hall of Fame acknowledges citizens who have promoted civil and human rights in their communities.*

*These distinguished individuals serve as beacons to all of us. Through their exemplary leadership, barriers to equal opportunities have been replaced by cultural awareness and understanding.*



## *Akron & Cleveland Regional Offices*

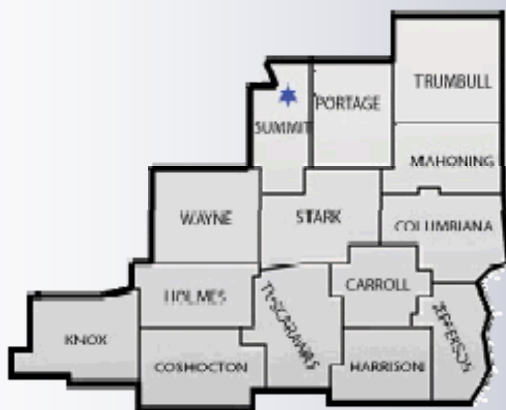


Iris Choi joined the Commission's Toledo Regional Office as a Civil Rights Field Investigator and was promoted to Reconsideration Supervisor and Chief Supervisor. She was selected Regional Director of the Cleveland Office in 1994 and was chosen to lead both the Akron and Cleveland Regional Offices in 2009.

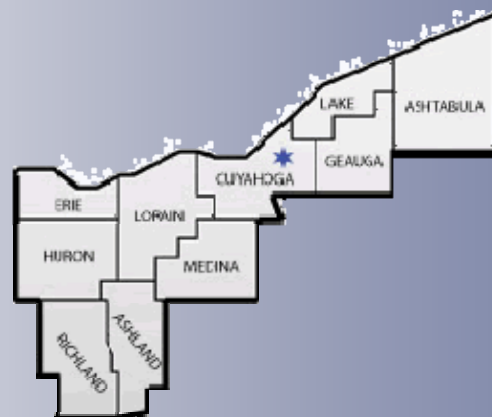
Ms. Choi received a Bachelor of Business Administration and Sociology, Master of Business Administration and a Juris Doctorate from the University of Toledo.

The two offices are responsible for receiving, investigating and resolving discrimination complaints from 24 counties in northeastern Ohio.

Ms. Choi is an established advocate for equality and leader of civil rights among the diverse communities within the Cleveland and Akron areas.



Akron



Cleveland



***Akron Regional Office  
Charges Filed by County***

Carroll	1
Columbiana	10
Coshocton	3
Harrison	3
Holmes	0
Jefferson	18
Knox	19
Mahoning	62
Portage	42
Stark	139
Summit	300
Trumbull	47
Tuscarawas	14
Wayne	14
<b>Akron Total</b>	<b>672</b>

**Akron Government Center  
161 S. High Street, Suite 205  
Akron Ohio 44308  
(330) 643-3100  
(330) 643-1488 (TTY)**

***Cleveland Regional Office  
Charges Filed by County***

Ashland	5
Ashtabula	11
Cuyahoga	520
Erie	13
Geauga	10
Huron	7
Lake	36
Lorain	25
Medina	22
Richland	37
<b>Cleveland Total</b>	<b>686</b>

**885 Lausche State Office Bldg.  
615 West Superior Ave., 8<sup>th</sup> Fl.  
Cleveland, Ohio 44113  
(216) 787-3150  
(216) 787-3549 (TTY)**





## Columbus Regional Office



Marcy Valenzuela, a native of Holmes County, Ohio worked for several human rights agencies in California, Texas and Ohio before joining the Ohio Civil Rights Commission as a bilingual Field Investigator in the Akron Regional Office. Ms. Valenzuela was promoted to Supervisor and in 2009 chosen to manage the Columbus Regional Office.

Ms. Valenzuela received Bachelor of Arts and Master of Science degrees in Criminal Justice Studies from Kent State University. She received a Juris Doctorate from the University of Akron and was admitted to practice law in Texas and Ohio.

Athens	6
Belmont	4
Delaware	35
Fairfield	15
Franklin	708
Guernsey	3
Hocking	4
Licking	18
Madison	7
Marion	9
Morrow	5
Muskingum	12
Noble	3
Perry	1
Pickaway	9
Ross	21
Union	12
Washington	4
<b>TOTAL</b>	<b>876</b>



**Rhodes State Office Tower**  
**30 East Broad Street, 4th Floor**  
**Columbus, Ohio 43215**  
**(614) 466-2785 (Voice/TTY)**

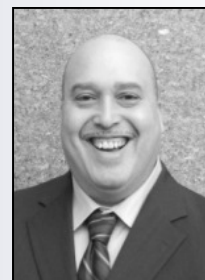




## Dayton Regional Office and the Cincinnati Satellite Office

Allen	38
Auglaize	4
Butler	49
Champaign	5
Clark	39
Clermont	21
Clinton	4
Darke	3
Fayette	5
Gallia	3
Greene	46
Hamilton	278
Hardin	1
Highland	10
Jackson	5
Lawrence	6
Logan	6
Meigs	2
Mercer	3
Miami	15
Montgomery	254
Pike	2
Preble	1
Shelby	9
Scioto	9
Van Wert	2
Vinton	2
Warren	22
<b>TOTAL</b>	<b>844</b>

Norman Gibson joined the Ohio Civil Rights Commission's Cincinnati Regional Office in 1999 as a Field Investigator and was promoted to Supervisor in 2001.



Mr. Gibson was chosen to lead the merger of the Dayton and Cincinnati Regional offices and was promoted to Director of the newly created Cincinnati/Dayton Regional Office.

Mr. Gibson, a native of Cincinnati, is retired from the United States Army. He is a proud recipient of a Purple Heart medal for gallantry as a Ranger.

Mr. Gibson received a Bachelor of Science degree in Public Administration from Brenau University in Atlanta, Georgia.



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**W. 4th Center, Suite 1900  
Dayton, Ohio 45402-1831  
(937) 285-6500 (Voice/TTY)**



# ***Toledo Regional Office***

Darlene Sweeney-Newbern was chosen

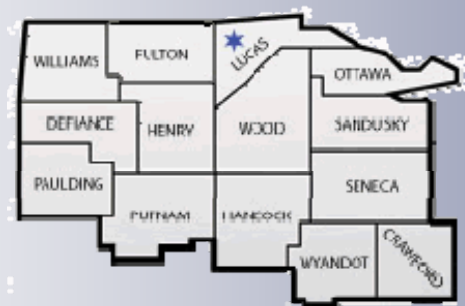


Toledo Regional Director after serving as a Field Investigator, Supervisor and Statewide Director of Housing Enforcement.

Ms. Newbern works closely with advocacy and civil rights enforcement agencies around the county to educate, train and assist in both housing and employment cases. Recognized as a national leader in fair housing matters, Ms. Sweeney-Newbern was chosen as a presenter for the US Department of Housing and Urban Development's National Fair Housing Conference. Ms. Sweeney-Newbern received a Bachelor of Science in Business from the University of Toledo.

**One Government Center, Room 936  
Jackson & Erie Streets  
Toledo, Ohio 43604  
(419) 245-2900 (Voice/TTY)**

Crawford	7
Defiance	12
Fulton	9
Hancock	22
Henry	8
Lucas	540
Ottawa	11
Paulding	1
Putnam	6
Sandusky	23
Seneca	12
Williams	6
Wood	87
Wyandot	2
<b>Toledo Total</b>	<b>746</b>



## FINANCIAL DATA

### FEDERAL OPERATING ROTARY FUND 334 EEOC/HUD APPROPRIATIONS

Fund 334 represents spending authority as a result of work sharing agreements with the U.S. Equal Employment Opportunity Commission (EEOC), the U.S. Department of Housing and Urban Development (HUD) and the Ohio Civil Rights Commission (OCRC). These agencies defer charges of discrimination filed with them to the OCRC for processing and investigation.

**Funds 3340/2170 Appropriations** **\$3,333,442**

#### EXPENDITURES

Salaries and Wages	\$2,422,908
Purchased Personal Services	111,521
Supplies and Materials	18,953
Motor Vehicles	25,708
Travel	10,154
Communications	65,293
Equipment Maintenance	11,297
Rentals	126,974
Printing	48
General Expenses	228,757
Equipment	1,804
Encumbrances	77,085
Unused Appropriations	232,940
<b>TOTAL EXPENDITURES</b>	<b>3,333,442</b>

#### GENERAL REVENUE FUND (GRF)

The General Revenue Fund is monies appropriated to the Ohio Civil Rights Commission by the General Assembly

**Fund GRF Appropriations** **\$ 4,919,635**

#### EXPENDITURES

Salaries and Wages	\$ 4,919,635
Purchased Personal Services	-
Travel	-
Communications	-
Rentals	-
General Expenses	-
Equipment	-
Encumbrances	-
<b>TOTAL EXPENDITURES</b>	<b>\$ 4,919,635</b>





Ohio Civil Rights Commission  
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30 East Broad Street, 5th Floor  
Columbus, Ohio 43215  
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(888) 278-7101 Toll Free  
(614) 644-8776 Fax  
(614) 752-2391 TTY

We invite you to visit our website :[www.crc.ohio.gov](http://www.crc.ohio.gov)