

Ohio Attorney General's Civil Rights Reporter

Highlighting Civil Rights Issues and Case Law



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[Batter Up for Buddy Ball](#)

“Batter up” is a familiar phrase heard on baseball diamonds across the nation. Now, thanks to some creative, out-of-the-box (batter’s box, that is) thinking, Ohioans with both physical and mental disabilities can participate in America’s Pastime. It’s called Buddy Ball.

Buddy Ball is baseball for individuals with disabilities. The game is played similarly to traditional baseball, although individual fields have separate rules and requirements. For example, at Grove City’s Mirolo Field (*pictured*), the games last about an hour. Each team bats completely through their lineup and each player gets on base. The last player in the lineup scores a grand slam. Mirolo Field has a tiled, rubberized surface that accommodates wheelchairs and other assistive devices. It also includes specialized equipment like the “Batter Up Machine,” which enables players who can’t grip a traditional baseball bat to pull a string to swing the bat at the ball.

Each player has a person (a “buddy”) who helps them bat and make it to home plate. (Some friendly “fan interference” you might say.) All the games end in a tie, yet no one balks. Game day means everyone gets to be Jackie Robinson, Dottie Schroeder, or Ty Cobb.

Buddy Ball is open to people of all ages: current players range from 3 to 70 years old. Several Buddy Ball fields are located in central Ohio: the Miracle League of central Ohio, the Grove City Buddy Ball League and the Hilliard Baseball Association Buddy Division.

Supporting Buddy Ball is easy. Register an interested athlete, or volunteer. At most fields, volunteers participate in specialized training, joining the game as a buddy and as a person with a physical challenge. For example, volunteers may practice using crutches or wearing goggles with a limited field of vision to understand how to better help a person with a disability. Volunteers and donations make the program possible.

Secondly, instead of buying peanuts and cracker jacks at the next Major League game you attend, buy a new specialty state license plate that says “Baseball for All.” A portion of each license plate sale goes to maintain the fields and purchase special equipment.

Finally, you can root, root, root for the home team by attending a game. Whatever you do, don’t strike out by thinking that persons with disabilities can’t enjoy a whole new ball game. Get out there, and *play ball!*

[An Interview with Commissioner Madhu Singh](#)

Commissioner Madhu Singh is one of the newest appointees to the Ohio Civil Rights Commission (OCRC). She was appointed in June 2015 by Governor John Kasich and celebrated her second anniversary with the commission this summer. In 1972, Commissioner Singh and her husband immigrated to the United States from India and moved to the Youngstown area. Although they intended to only stay for two years at most, the stay extended as Commissioner Singh earned a degree in public relations and advertising from Youngstown State University, established a successful travel agency, and started giving back to the community. Today, she is a mother, grandmother, and successful businesswoman; she lives with her husband of 52 years in Bath, Ohio.

While in Youngstown, Commissioner Singh set her sights on aiding new arrivals to the United States. She worked with an organization that encouraged the community to become more involved with settling refugees in the area. The organization brought together different ethnic communities and local businesses for cultural programs and encouraged them to work toward mutual understanding.

Commissioner Singh attributes her business success to an ability to build relationships. She uses the same philosophy to shape her approach to the OCRC's mission. She says understanding the law and its limitations are necessary components of effective and appropriate government service. She learned this valuable lesson while working as a liaison between the Ohio Secretary of State's office and several county boards of election.

Since serving on the OCRC, Commissioner Singh says she has learned that fairness and winning are not always synonymous. Commissioners must listen attentively to both sides. They must look at the laws and understand the multiple perspectives of an entire case. Then, commissioners must apply the law and fairness to their decision-making process. Fairness could mean assisting the parties in reaching a resolution, or it may involve correcting a misunderstanding. And other times, it just means being heard.

The OCRC provides training in a variety of areas, and Commissioner Singh believes providing continued training to prevent discrimination should be the commission's number one priority. She believes many of the cases the OCRC sees come from a lack of understanding of the laws – especially in housing.

Commissioner Singh says the commission and its staff can make a difference and help people receive what is right and just. She says, "To give a hand to somebody in need, and they take it and go on with their lives to help somebody else, that's what is important."

[Help for Small Businesses, Part 3: The Administrative Appeal Process](#)

There are various outcomes when a charge of discrimination is brought against a small business and mediation is unsuccessful.

Re-cap of previous articles

In previous issues of the “Civil Rights Reporter,” we’ve discussed what happens when a charge of discrimination is filed against your small business. Once a charge is filed, the commission offers mediation services to the parties. If mediation services are not used (or are unsuccessful), the investigation begins. You will have the opportunity to explain what happened through a written position statement. During the investigation, you can also provide the commission with witness testimony and supporting documents. If the commission finds “no probable cause” after its investigation, the charge is dismissed. However, if the commission finds probable cause, the parties are then encouraged to reach a resolution through conciliation. If conciliation is unsuccessful, then the commission issues an administrative complaint, holds an evidentiary hearing, and ultimately makes a determination on the merits of the allegations. The next step is the judicial review process, which allows any party to ask a court of common pleas to judicially review a commission final order.

Appeal of No Probable Cause findings

If the commission makes a “no probable cause” finding after its investigation, the charging party can request judicial review of that decision. (See [R.C. 4112.06\(A\)](#).) The court reviews whether the commission’s factual findings supporting its no probable cause decision reveal that decision to be “unlawful, irrational, arbitrary, or capricious.” [See *McCrea v. Ohio Civ. Rights Com’n*, 20 Ohio App.3d 314, 317 (9th Dist.1984).]

Typically, judicial review of no probable cause decisions will not involve you or your business. The court’s role is to review whether the commission’s “findings of fact show sufficient justification for its decision not to issue a complaint,” rather than to review the charging party’s allegation against you or your business. (See *Pease v. Ohio Civ. Rights Comm.*, 2015-Ohio-1386, ¶ 13 (8th Dist. Cuyahoga).)

Appeal of Probable Cause Findings

If the commission issues a probable cause decision against your business, can you appeal? No, because a probable cause finding is not a final order. (See *Ohio Assn. of Pub. School Emp. v. Dayton City School Dist. Bd. of Edn.*, 59 Ohio St.3d 159, 161 (1990).) As a result, a probable cause decision is not subject to the administrative appeal process. Only after the commission issues a final order can the parties seek judicial review.

Appeal of Dismissal Orders / Cease and Desist Orders

After an evidentiary hearing, the commission will issue a final order, either dismissing the case or finding that unlawful discrimination occurred (and then issuing a cease and desist order). Either way, the commission’s final order can be appealed to a court of common pleas by filing a “petition” seeking judicial review. (See [R.C. 4112.06\(B\)](#).) The petition must be filed within the county where either 1) the unlawful discriminatory practice was committed, or 2) the business resides or transacts business. (See R.C. [4112.06\(A\)](#).)

A party has 30 days from the service of the commission’s final order to file a petition for review. (See R.C. [4112.06\(H\)](#); *Ramsdell v. Ohio Civ. Rights Com’n*, 56 Ohio St.3d 24, 25 (1990).) Service is complete when the commission mails its final order, and the 30-day time period cannot be tolled or extended through application of the civil rules or the Administrative Code. (See *Ramsdell*, 56 Ohio St.3d 24, 27.) In short, no “three-day mailing rule” applies here.

When reviewing a final order issued after a commission evidentiary hearing, the court of common pleas applies a “reliable, probative, and substantial evidence” standard of review. (See [R.C. 4112.06\(E\)](#).) This means that if there is some reliable, probative, and substantial evidence in the record to support the commission’s findings, then the reviewing court cannot set the findings aside. This is true even though the court might have drawn “different inferences” from the available evidence. (See *Little York Tavern v. Lane*, 2017-Ohio-850, ¶ 12 (2nd Dist. Montgomery).)

Would you like to know more?

Anyone interested in knowing more about the OCRC’s administrative process and related appeals can contact the Ohio Civil Rights Commission at 614-466-2785 or the Civil Rights section of Ohio Attorney General Mike DeWine at 614-466-7900.

[From Queens, New York to Columbus, Ohio: Walking in the Shoes of an Extern](#)

It’s quite a culture shock for a New York City native coming to Columbus, but sometimes the best experiences require you to move outside your comfort zone. My move meant working as a summer extern for the Civil Rights Section of the Ohio Attorney General’s Office. From the first day, I learned that doing the right thing is what being an Attorney General is about. My opportunity with the Attorney General’s Office has me more excited than ever about practicing law.

Working in the Civil Rights Section gave me firsthand experience with civil rights cases, and allowed me to see the interaction between the commission’s investigators (whose job it is to gather facts) and the section’s attorneys (whose job it is to see if those facts amount to a violation of the law). Some facts, even some pretty terrible facts, don’t always rise to the level of a violation of the law.

Working for the Attorney General’s Office has given me practical, hands-on legal experience. In my first year of law school, I heard terminology like interrogatories, pleadings, and proving a prima facie case, but until I actually worked in the Civil Rights Section, I didn’t truly understand what goes along with these concepts. During my externship, I drafted interrogatories, document requests, and requests for admissions in an actual case. I learned how important it is to review the case and understand a victim’s allegations and concerns before he or she ever steps into your office. When an injured person doesn’t know where to turn, sometimes you have to be a voice for the voiceless.

I was honored by the level of trust that was placed in me and the range of activities that I participated in. I had the privilege to meet Attorney General DeWine and received valuable insight on how he got his start in the legal profession. Being at the Attorney General’s Office was also a great networking opportunity, and allowed me to meet many individuals in the legal system. For example, I met the legal staff of the Ohio Supreme Court and many other law students

A word of warning though - be careful what you say. During a commission meeting I casually mentioned that I wasn’t a big LeBron James fan. Wouldn’t you know it, one of the commissioners is LeBron’s neighbor and another was a big fan. From that point on, I was officially dubbed the Anti-LeBron guy and forced to recant my support for the Spurs by an Ohio State Trooper. All in good fun, of course.

All kidding aside, I have thoroughly enjoyed my experience with the Attorney General's Office and would recommend it to anyone considering a legal career. I learned a lot from the staff of the Civil Rights Section, who eagerly took me under their wings. Above all, I can proudly say working at the Attorney General's Office has provided me with invaluable knowledge, which I will utilize for the rest of my law career. Now, go Cavs!

(Kofi Twumasi worked as an extern in the Ohio Attorney General's Civil Rights Section during the summer of 2017.)