



# Maine Human Rights Commission

# 51 State House Station, Augusta, ME 04333-0051  
Physical location: 19 Union Street, Augusta, ME 04330  
Phone (207) 624-6290 ▪ Fax (207) 624-8729 ▪ TTY: Maine Relay 711  
[www.maine.gov/mhrc](http://www.maine.gov/mhrc)

**Amy M. Sneirson**  
EXECUTIVE DIRECTOR

**Barbara Archer Hirsch**  
COMMISSION COUNSEL

## COMMISSION MEETING MINUTES - ZOOM -

**May 17, 2021**

Commissioner Jeff Ashby chaired the meeting and called it to order at 8:32 AM. Also present were Commissioners Edward David, Jill Duson, and Julie O'Brien.

### AGENDA

Commissioner David moved, seconded by Commissioner Duson, to adopt the Agenda and Consent Agenda to accept the Investigator's recommended decision in each of the cases listed on the Consent Agenda (see listing on page 3). 4 in favor | 0 opposed.

Following the approval of the agendas, American Sign Language interpreters Rebekah Stuckless and Mary Mackay began interpreting the proceedings.

### MINUTES

Commissioner David moved, seconded by Commissioner Duson, to adopt the April 12, 2021 Commission Meeting Minutes. 4 in favor | 0 opposed.

### ADMINISTRATION

Monthly reports: Executive Director Sneirson discussed reporting on the following Commission activities:

- Personnel: No personnel changes to report, hiring underway for a vacant Secretary Associate Legal position.
- Compliance: There are five reasonable-grounds cases in active conciliation, three successful conciliations, one post-conciliation settlement, and nine unsuccessful conciliations.
  - Commissioner Duson moved, seconded by Commissioner David, to approve Conciliation Agreements in Adams v. Libby (H20-0373), Varney v. Planet Fitness (E19-0019), and Felix v. Friend & Webb (H20-0390AB) and one post-conciliation agreement in Schwartz v. Elier (E19-0286). 4 in favor | 0 opposed.
- Investigation
  - New Charges: 76 new complaints filed in April.
  - Administrative Dismissals: 16 administrative dismissals issued in April.
  - There were 19 predetermination settlement agreements totaling \$483,000 in benefits to complainants.
- Litigation - This was tabled until after Executive Session.

### NEW BUSINESS

The Office of the Governor nominated Julie O'Brien as a new appointee for the vacant seat previously held by Arnold Clark. After legislative confirmation, Julie O'Brien was sworn in on May 14, 2021.

With the legislative session ongoing, the Commission has provided written information regarding at least eight proposals, copies of which were provided to Commissioners. The Commission's only agency proposal was heard in public hearing on Friday, with a work session to come. The Legislature's review and approval of the Biennial Budget has so far resulted

in an approval of baseline funding for the Commission for 2021-22 and 2022-2023, with additional review to come by the Appropriations Committee of detailed proposals approved by the Judiciary Committee.

E.D. Sneirson informed Commissioners that a new webinar about COVID-19 and discrimination issues was created using CARES Act funds; it is on our agency website and Facebook pages. E.D. Sneirson also noted that the Commission shortly will be setting meeting dates for 2022.

At 8:45 AM Commissioner Ashby began the case hearing agenda.

## CASES VOTED ON

E19-0155\*: Steven Richards-Kretlow (Winslow) v. Dingley Press (Lisbon). Attorney Rick Finberg restated the position of the Respondent. Attorney Kristin Aiello restated the position of the Complainant. Investigator Alice Neal reviewed their report and recommendations. Commissioner Duson moved, seconded by Commissioner Ashby, to find reasonable grounds to believe that Dingley Press discriminated against Steven Richards- Kretlow on the basis of disability when it failed to hire him. 2 in favor | 2 opposed (David, O'Brien opposed); with no majority in favor of the motion, the default finding was no reasonable grounds. Commissioner David moved, seconded by Commissioner O'Brien, to find no reasonable grounds to believe that Dingley Press discriminated against Steven Richards- Kretlow on the basis of disability by treating him differently in the terms and conditions of the application process. 4 in favor | 0 opposed.

E19-0140A-G\*:Ikossi v. St. Mary's Regional Medical Center/St. Mary's Health System (Lewiston), Covenant Health Systems (Tewksbury, MA), Covenant Health, Inc. (Tewksbury, MA), Dr. Christopher Bowe (Lewiston), Dr. Derek Mittleidger (Lewiston), Dr. Med Kelley (Lewiston), and Cindy M. Brousseau (Lewiston). Attorney David Strock restated the position of the Respondents. Attorney David Webbert restated the position of the Complainant. Commissioner David moved, seconded by Commissioner Duson, to find **reasonable grounds** to believe that St. Mary's Regional Medical Center/St. Mary's Health System, Covenant Health Systems, Covenant Health, Inc., Dr. Christopher Bowe, Dr. Derek Mittleider, Dr. Med Kelley, and Cindy Brousseau discriminated against Maria Ikossi on the basis of age, sex, race, national origin, ancestry, and disability; **and reasonable rrounds** to believe that St. Mary's Regional Medical Center/St. Mary's Health System, Covenant Health Systems, Covenant Health, Inc., Dr. Christopher Bowe, Dr. Derek Mittleider, Dr. Med Kelley, and Cindy Brousseau retaliated against Maria Ikossi for engaging in MHRA- and/or WPA-protected activity. 3 in favor | 0 opposed | 1 Abstained (O'Brien abstained).

xx

ED/PA19-0375A\*: Tom O'Donnell o/b/o minor child (East Wilton) v. CrabApple Whitewater (West Forks). Attorney Kristin Collins restated the position of the Respondent. Attorney Peter Rice Restated the position of the Complainant. Investigator Robert Beauchesne reviewed his report and recommendations. Commissioner Duson moved, seconded by Commissioner David, to find **reasonable grounds** to believe that CrabApple Whitewater discriminated against Tom O'Donnell on the basis of disability. 4 in favor | 0 opposed.

H20-0531\*: Katie Willett (Milton, MA) v. Oceanside Condominium Association (Rensselaer, NY). Rich Piche and Alison Fairbanks did not make a presentation but answered Commissioner questions on behalf of Respondent. Attorney Tyler Smith restated the position of the Complainant. Investigator Alice Neal reviewed their report and recommendations. Commissioner David moved, seconded by Commissioner Duson, to find there are **reasonable grounds** to believe that Oceanside Condominium Association discriminated against Katie Willett on the basis of disability by denying a reasonable accommodation request/use of an assistance animal and **reasonable grounds** to believe that Oceanside Condominium Association retaliated against Katie Willett for asserting her rights under the Maine Human Rights Act. 4 in favor | 0 opposed.

## EXECUTIVE SESSION

At 12:31 PM, Commissioner Ashby moved, seconded by Commissioner David, to go into executive session to discuss pending or contemplated litigation and the Commission's legal rights and duties with Commission Counsel pursuant 1 M.R.S. §405(6)(E). 4 in favor | 0 opposed.

At approximately 12:52 PM, Commissioner Ashby moved, seconded by Commissioner David, to come out of Executive Session. 4 in favor | 0 opposed.

At approximately 12:53 PM, Commissioner Duson moved, seconded by Commissioner Ashby, to adjourn the meeting. 4 in favor | 0 opposed.

The meeting was adjourned.

## CONSENT AGENDA

The consent agenda is a listing of cases scheduled on the Commission's meeting agenda in which there was no written disagreement to the Investigator's recommendation. Commissioners considered these cases without oral argument by the parties.

E19-0394ABC	Michael Burke (Auburn) v. Mary A. Budd (Bangor), Starboard Consulting (Bangor), and Mid Coast Maine Community Action (Bath)	NRG
E20-0305	Terri Arsenault (Phippsburg) v. Bath Iron Works Corp. (Bath)	NRG
E20-0377*	Stephanie Wood (Portland) v. Waldoboro Chiropractic & Spa/Debra A. Tillou, DC (Waldoboro)	<b>RG</b>
E20-0422*	Arthur Smith (Saco, ME) v. Jason Beaulieu, owner, d/b/a Jason's Automotive (Biddeford, ME)	<b>RG</b>
ED/PA19-0375B	Tom O'Donnell o/b/o minor child (East Wilton) v. Mount Blue Middle School (Farmington)	NRG
ED/PA19-0448AB	Shirley Allen (Topsham) v. Paul Perzanoski (Brunswick) and Brunswick High School (Brunswick)	NRG

\* Indicates a case in which a "reasonable grounds" finding was recommended