



Maine Human Rights Commission

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Amy M. Sneirson
EXECUTIVE DIRECTOR

Barbara Archer Hirsch
COMMISSION COUNSEL

COMMISSION MEETING MINUTES AUGUST 15, 2022 MEETING

via ZOOM

Commissioner Deb Whitworth chaired the meeting and called it to order at 8:30 AM. Also present were Commissioners Commissioners Jeff Ashby, Edward David and Julie O'Brien..

AGENDA

Commissioner Ashby moved, seconded by Commissioner David, to adopt the Agenda as amended 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

MINUTES

Commissioner David moved, seconded by Commissioner Ashby, to adopt the July 22, 2022 Commission Meeting Minutes. 3 in favor | 0 opposed | 1 abstained (Whitworth).

ADMINISTRATION

Executive Director Amy Sneirson reported on the following Commission activities:

Monthly reports:

- Personnel: A monthly memorandum was on file.
- Compliance: Since the last meeting, there were two unsuccessful conciliations of reasonable-grounds cases and no successful conciliations; two reasonable-grounds cases remain in active conciliation.
- New Charges: 29 new complaints filed in July 2022.
- Administrative Dismissals: 17 administrative dismissals in July 2022.
- Pre-determination resolutions/settlements: 7 with benefits to complainants of \$140,000.

NEW BUSINESS:

ED Sneirson noted that this was Commissioner Whitworth's last meeting after serving as a Commissioner for eleven years, and thanked Commissioner Whitworth for her dedicated and distinguished service to the people of Maine.

Also, ED Sneirson reported that the Commission had proposed amendments to several of our agency rules, and had advertised notices about those proposed amendments in emails to interested stakeholders, by posting on our website, and via required advertisements in written/online publications. Comments about those proposed amendments are due on or before September 6, 2022.

Additionally, ED Sneirson stated that the Commission is preparing submissions as part of the biennial budget (2023-2025) and supplemental budget (2022-2023) processes.

The Commission completed the business portion of the agenda at 8:42 AM.

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

The following cases were taken out of order.

E20-0428: Kaitlin Donle (Auburn) v. TD Bank, N.A. (Portland). Attorney Michael Varraso restated the position of the Complainant. Attorney Francis Bingham restated the position of the Respondent. Lead Investigator Jane O'Reilly reviewed her report and recommendations. Commissioner David moved, seconded by Commissioner Ashby, to find there are no reasonable grounds to believe that TD Bank, N.A. discriminated against Kaitlin Donle on the basis of disability and/or retaliated against Kaitlin Donle for engaging in MHRA protected activity and the complaint should be dismissed. 4 in favor | 0 opposed.

E20-0535: Virginia Barrows (Chesterville) v. Franklin Community Health Network (Farmington). Virginia Barrows restated her position as the Complainant. Attorney Katy Rand restated the position of the Respondent. Lead Investigator Jane O'Reilly reviewed her report and recommendations. Commissioner Whitworth moved, seconded by Commissioner O'Brien, to find that there are no reasonable grounds to believe that Franklin Community Health Network retaliated against Virginia Barrows for engaging in WPA-protected activity and the complaint should be dismissed. 4 in favor | 0 opposed.

At 9:41 AM, Commissioner David called for a 10 minute recess.

E20-0320*: Kevin Noyes (Windham) v. City of Portland (Portland). Attorney Anne Terregrossa restated the position of the Respondent. Attorney Ryan Schmitz restated the position of the Complainant. Investigator Alex Brindley reviewed their report and recommendations. Commissioner Ashby, seconded by Commissioner O'Brien, moved to find there are no reasonable grounds to believe that City of Portland discharged Kevin Noyes because he is an individual with a disability or retaliated against Kevin Noyes for engaging in WPA-protected activity and those claims should be dismissed. 4 in favor | 0 opposed. Commissioner Ashby moved, seconded by Commissioner Whitworth, to find there are no reasonable grounds to believe that City of Portland discriminated against Kevin Noyes on the basis of disability (denial of reasonable accommodation) and no reasonable grounds to believe that City of Portland retaliated against Kevin Noyes for engaging in MHRA-protected activity and those claims should be dismissed. 4 in favor | 0 opposed.

EXECUTIVE SESSION

At 10:50 AM, Commissioner Whitworth 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 10:51 AM, Commissioner Whitworth moved, seconded by Commissioner David, to come out of Executive Session. 4 in favor | 0 opposed.

LITIGATION

With regard to reasonable-grounds cases that did not resolve via conciliation, Commissioner Ashby moved, seconded Commissioner David, to not litigate Kapinga v. Duffy/Terrace Pond (H21-0436-AB). 3 in favor | 0 opposed | 1 not present (O'Brien not present).\

At 11:00 AM, the meeting 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.

PA20-0406	Andrea Balcer (Warren) v. Maine Department of Corrections (Augusta)	NRG
E20-0475*	Gary Gorman (Norridgewock) v. Prestige Custom Homes (Sidney)	RG
E21-0057	Amanda Harris (Greene) v. Wal-Mart Stores East, L.P. & Wal-Mart Stores, Inc. (Augusta)	NRG
E21-0072AB	Katrina Aiudi-O'Connor (China) v. SOM; RPC Management; DAFS (Augusta) & Aimee Norko (Augusta)	NRG
PA21-0113*	Kimberly Marquis (Fort Kent) v. Northern Maine Medical Center (Fort Kent)	RG
H22-0083AB	Susan Blum (Madawaska) v. Brenda Collins (Madawaska) & C & C Realty Management, LLC (Augusta)	NRG

TABLED

E20-0484*	Ariel Bois (Hermon) v Walgreens (Skowhegan)
E20-0525*	Shannon Mason-Gaworski (Lisbon Falls) v Food City (Lisbon Falls)
E21-0041*	David Warren (Freeport) v Wayfair Maine, LLC (Brunswick)
PA21-0236*	Bertier Ouellette (Waterville) v. Trinity Evangelical Free Church & Homeless Shelter (Skowhegan)

**Indicates a case in which a "reasonable grounds" finding is or was recommended.*