



Maine Human Rights Commission

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COMMISSION MEETING MINUTES MAY 16, 2022 MEETING

via ZOOM

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

AGENDA

Commissioner O'Brien 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.

MINUTES

Commissioner David moved, seconded by Commissioner Duson, to adopt the April 11, 2022 Commission Meeting Minutes. 3 in favor | 0 opposed | 1 abstained (Whitworth abstained).

ADMINISTRATION

Executive Director Amy Sneirson reported on the following Commission activities:

Monthly reports:

- Personnel: ED Sneirson welcomed new investigator Angela Morse, reported that the Commission had hired another investigator and front office staff, and noted that the agency should shortly have one more investigator position to fill.
- Compliance: Since the last meeting, there were three unsuccessful conciliation and no successful conciliations. Four reasonable-grounds cases remain in active conciliation.
- New Charges: 37 new complaints filed in April 2022.
- Administrative Dismissals: 25 administrative dismissals in April 2022.
- Pre-determination Resolutions: 15 in April 2022 (11 settlements, and 4 withdrawals with benefits to complainants):

NEW BUSINESS:

ED Sneirson noted the following legislative updates:

- LD 1889, related to the application of the Maine Whistleblowers' Protection Act in workplaces with collective bargaining agreements, was enacted by the Legislature and signed into law by the Governor.
- LD 598 (the "CROWN Act"), related to protective hairstyles based on race, was enacted by the Legislature and signed into law by the Governor.
- LD 982, related to the scope of MHRA coverage for public entities operating services not open to the public, died at the end of the session.

ED Sneirson presented Commissioners with a memorandum regarding a withdrawal request submitted by Complainant in *Cowern v. A Caring Community* (E20-0269), a case on the Commission's agenda for June 2022. Commissioner David moved, seconded by Commissioner Duson, to deny the request to withdraw the request for dismissal in E20-0269. 4 in favor | 0 opposed.

The Commission completed the business portion of the agenda at 8:46 AM.

At 8:47 AM Commissioner Ashby began the case hearing agenda.

E20-0158: Dan Kinch (Sebego) v. Girl Scouts of Maine, Inc. (Sebego). Complainant was not present; at his request, ED Sneirson read his presentation to Commissioners. Attorney Kathleen Wade restated the position of the Respondent. Investigator Kit Thomson Crossman reviewed their report and recommendations. Commissioner Duson moved, seconded by Commissioner O'Brien, to find no reasonable grounds to believe that the Girl Scouts of Maine retaliated against Dan Kinch for engaging in WPA/MHRA-protected activity, and to dismiss the case in accordance with the MHRA. 3 in favor | opposed | 1 abstained (Whitworth abstained).

E20-0212*: Jessica Ellis (Lisbon Falls) v. Peter Cooper (Topsham). Attorney Norman Belanger restated the position of the Respondent. Jessica Ellis restated her position as the Complainant. Investigator Thomson Crossman reviewed their report and recommendations. Commissioner David moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Peter Cooper discriminated against Jessica Ellis based on disability and/or interfered with her right to be free from disability-based discrimination in employment, and to dismiss the case in accordance with the MHRA.. 3 in favor | 1 opposed (Duson opposed).

E20-0223: Joan Kelly (Hartford) v. Oxford County/Oxford County Sheriff's Dept. (South Paris). Attorney Adam Lee restated the position of the Complainant. Amy Dieterich restated the position of the Respondent. Investigator Alex Bridley reviewed her report and recommendations. Commissioner Whitworth moved, seconded by Commissioner O'Brien, to find no reasonable grounds to believe Oxford County/Oxford County Sheriff's Department discriminated against Joan Kelly on the basis of sex or retaliated against her based on WPA- and/or MHRA-protected activity, and to dismiss the case in accordance with the MHRA. 3 in favor | 1 opposed (Duson opposed).

E20-0242*: Benjamin Landry (Saco) v. Town of Scarborough (Scarborough). Attorney Mark Franco restated the position of the Respondent. Benjamin Landry restated his position as the Complainant. Investigator Thomson Crossman reviewed their report and recommendations. Commissioner Duson moved, seconded by Commissioner Whitworth, to find **reasonable grounds** to believe that the Town of Scarborough discriminated against Benjamin Landry in employment on the basis of disability (denial of reasonable accommodation), and to attempt conciliation in accordance with the MHRA. 3 in favor | 1 opposed (O'Brien opposed).

E20-0268*: Sheila Michaud (Fort Fairfield) v. Housing Authority of Fort Fairfield (Fort Fairfield). Attorney Adam Swanson restated the position of the Respondent. Sheila Michaud restated her position as the Complainant. Investigator Thomson Crossman reviewed their report and recommendations. Commissioner Whitworth moved, seconded by Commissioner Duson, to find that there are reasonable grounds to believe that Housing Authority of Fort Fairfield discriminated against Sheila Michaud on the basis of disability, and to attempt conciliation in accordance with the MHRA. 2 in favor | 2 opposed (David, O'Brien opposed). The motion failed for lack of a majority vote in favor of a reasonable-grounds finding; the default finding is that there are no reasonable grounds to believe unlawful discrimination occurred and the case will be dismissed in accordance with the MHRA.

At 11:50 AM, Commissioner Ashby joined the meeting.

H21-0500-A/B/C/D Richard Kahn (Center Harbor, NH) v. Huse School Apartments LP (Bath), Saco Falls Management LLC (Bath), Natasha Cannon (Bath), Bath Housing Authority (Bath). Richard Kahn restated his position as the Complainant. Attorney William Wahrer restated the position of Respondents Saco Falls Management and Natasha Cannon, and Attorney Samuel Rudman restated the position of Respondents Huse School Apartments and Bath Housing Authority. Investigator Jane O'Reilly presented her report and recommendations. Commissioner David moved, seconded by Commissioner O'Brien, to find no reasonable grounds to believe that Huse School Apartments, LP, Saco Falls Management, LLC, Natasha Cannon, and/or Bath Housing Authority discriminated against Richard Kahn on the basis of disability (denial of a reasonable accommodation/terms and conditions/constructive discharge) or retaliated against Richard Kahn for engaging in MHRA-protected activity, and to dismiss the case in accordance with the MHRA. 5 in favor | 0 opposed.

EXECUTIVE SESSION

At 12:35 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). 5 in favor | 0 opposed.

At approximately 1:04 PM, Commissioner Whitworth moved, seconded by Commissioner Ashby, to come out of Executive Session. 5 in favor | 0 opposed.

LITIGATION

With regard to reasonable-grounds cases that did not resolve via conciliation, Commissioner Ashby moved, seconded Commissioner Whitworth, to litigate *Fagan v. St. Joseph's College (H/ED/PA21-0319)* and to not litigate *Caterino v. The Northeaster Motel (PA20-0057)*. 5 in favor | 0 opposed.

At 1:07 PM, 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.

E20-0157*	Theron Letterlough (Bangor) v. Weight Watchers of Maine, Inc. (Portland)	RG
E20-0201-A/B	Mark Belserene (Belgrade) v. State of Maine – Office of the Chief Medical Examiner (Augusta) and Dr. Mark Flomenbaum (Augusta)	NRG
E20-0249	Tara Roberts (Wells) v. Jewett Farms and Company, LLC (York)	NRG
PA20-0306/0307 (Scarborough)	Hamdia Ahmed (Portland) and Rukia Ahmed o/b/o minor (Portland) v. Wal-Mart Supercenter NRG	
PA20-0308	Mumina Ali (Portland) v. Wal-Mart Supercenter (Scarborough)	NRG
E20-0472	Amie Watson (Newburgh) v. Hartt Transportation Systems, Inc. (Bangor)	NRG

TABLED

E21-0181*	Deryk Martin (Bowdoin) v Paragon Systems, Inc. (Manchester, NH)
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.***