



# Maine Human Rights Commission

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**Amy M. Sneirson**  
EXECUTIVE DIRECTOR

**Barbara Archer Hirsch**  
COMMISSION COUNSEL

## COMMISSION MEETING MINUTES APRIL 24, 2023 MEETING

***Held in Hybrid Format - In Person (19 Union Street, Augusta, Maine) and via ZOOM***

Commissioner Jefferson Ashby chaired the meeting and called it to order at 8:30 AM. Also present were Commissioners Edward David, Julie O'Brien, and Mark Walker. American Sign Language ("ASL") interpreters were present and interpreting the proceedings.

### AGENDA

Executive Director Amy Sneirson presented to Commissioners a Complainant's request for the Commission to issue a right-to-sue letter in a case on the Consent Agenda pursuant to Commission Procedural Rule 2.02(I). Commissioner David moved, seconded by Commissioner Walker, to deny the request to issue a right-to-sue letter in *Powers v Rumford Community Home et al.* (E21-0090AB). 4 in favor | 0 opposed.

Commissioner O'Brien moved, seconded by Commissioner David, 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 Ashby moved, seconded by Commissioner Walker, to adopt the March 2023 Commission Meeting Minutes. 4 in favor | 0 opposed

### ADMINISTRATION

E.D. Sneirson reported on monthly and quarterly Commission activities.

#### Monthly:

- Personnel: A report was placed on file.
- Compliance: Since the last meeting there were no successful conciliations of reasonable-grounds cases and two unsuccessful conciliations. Seven conciliation cases remain pending in conciliation.
- New charges: 49 new complaints received in March.
- Administrative Dismissals: E.D. Sneirson administratively dismissed five cases in March.
- Pre-determination resolutions: 13 cases resolved via voluntary agreement prior to an investigator's report being issued.

#### Quarterly:

- Training & Education: Commission staff attended/participated in 18 training / education events in the third quarter of the fiscal year, in addition to attending multiple legislative and court matters.
- Financial Reports: Presented and placed on file for quarters 2 and 3 of FY2023.
- Pending Inventory: 661 cases pending at the end of March.

At approximately 8:45 AM Commissioner Ashby began the Hearing Agenda.

## CASES VOTED ON

PA21-0094\*: James Carver (Winthrop) v. Cumberland County Sheriff's Department (Portland). Attorney Robert Bower presented the position of the Respondent. Attorney Peter Rice presented the position of the Complainant. Lead Investigator Jane O'Reilly presented/answered Commissioner questions about the report and investigation. Commissioner David moved, seconded by Commissioner Walker, to find that there are **reasonable grounds** to believe that Cumberland County Sheriffs' Department discriminated against James Carver on the basis of disability, and conciliation should be attempted in accordance with the MHRA. 3 in favor | 1 opposed (O'Brien opposed). After this determination, the ASL interpreters departed the meeting.

E21-0156-A/B: Robert Davis (Bangor) v. HC Bangor, LLC, d/b/a Hollywood Casino Hotel and Raceway (Bangor), Penn National Gaming, Inc. (Wyomissing, Pennsylvania). Attorney Erik Black presented the position of the Complainant. Attorney Matthew Raynes presented the position of the Respondent. Investigator Angela Morse, presented/answered Commissioner questions about the investigation and report. Commissioner Ashby moved, seconded by Commissioner O'Brien, to find that there are no reasonable grounds to believe that HC Bangor, LLC, d/b/a Hollywood Casino Hotel and Raceway and Penn National Gaming, Inc., discriminated against Robert Davis on the basis of disability, and the complaint should be dismissed in accordance with the MHRA. 4 in favor | 0 opposed.

E21-0157-A/B: Travis Beadnell (Orono) v. HC Bangor, LLC, d/b/a Hollywood Casino Hotel and Raceway (Bangor) Penn National Gaming, Inc. (Wyomissing, Pennsylvania). Attorney Erik Black presented the position of the Complainant. Attorney Matthew Raynes presented the position of the Respondent. Investigator Angela Morse, presented/answered Commissioner questions about the investigation and report. Commissioner Ashby moved, seconded by Commissioner David, to find that there are no reasonable grounds to believe that HC Bangor, LLC, d/b/a Hollywood Casino Hotel and Raceway and Penn National Gaming, Inc., discriminated against Travis Beadnell on the basis of disability, and the complaint should be dismissed in accordance with the MHRA. 4 in favor | 0 opposed.

E22-0044: Malinda Caron (Whitefield) v. Lewiston Public Schools (Lewiston). Attorney Braden Beard presented the position of the Complainant. Attorney Hannah Wurgaft presented the position of the Respondent. Investigator Angela Morse presented/answered Commissioner questions about the investigation and report. Commissioner David moved, seconded by Commissioner O'Brien, to find that there are no reasonable grounds to believe that Lewiston Public Schools discriminated against Malinda Caron on the basis of disability (denial of reasonable accommodations), and that there are no reasonable grounds to believe that Lewiston Public Schools retaliated against Malinda Caron for engaging in WPA- and/or MHRA-protected activity, and that the complaint should be dismissed in accordance with the MHRA. 4 favor | 0 opposed.

H22-0380-A-K: Linda Athearn (Camden) v. Melissa Martinez, Teresa McDonald, Megunticook Housing Associate, LP, Karen Nolan, Joanne Miller, Ramona Benner, Ninon Lohnes, Jeannie Sparhawk, Mary Paulsen, Alice Berry & Kevin Walsh (all from Camden). Complainant did not appear. Commissioner O'Brien moved, seconded by Commissioner David, to find that there are no reasonable grounds to believe that Melissa Martinez, Teresa MacDonald, Megunticook Housing Associate, LP Karen Nolan, Joanne Miller, Ramona Benner, Ninon Lohnes, Jeannie Sparhawk, Mary Paulsen, Alice Berry, and/or Kevin Walsh discriminated against Linda Athearn on the basis of disability, and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 4 in favor | 0 opposed.

The scheduled hearing of *Stubenrod v. MacDonald, et al.* () was, at the last minute, postponed to May 2023.

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

## EXECUTIVE SESSION

At approximately 11:10 AM, Commissioner Ashby moved, seconded by Commissioner Walker, 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 11:30 AM, Commissioner Ashby moved, seconded by Commissioner Walker, to come out of Executive Session. 4 in favor | 0 opposed.

Commissioner Ashby moved, seconded by Commissioner David, to not initiate litigation in the following reasonable-grounds cases in which conciliation was not successful:

- *Draper v City of Ellsworth Police Department* (PA20-0477);
- *Figueira v York School Dept.* (E20-0540); and
- *Lynch v Perham Town Office* (PA22-0102).

4 in favor | 0 opposed.

At approximately 11:45 AM, the meeting was adjourned.

## CONSENT AGENDA

This 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.

PA21-0054 (A-I): Jason Cummings (Warren) v. Maine Department of Corrections (Augusta), Well Path, LLC, (Nashville, TN), Randall Liberty (Warren), Ryan Thornell (Charleston), Jess Johnson (Charleston), Kim Partridge (Charleston), & Jennifer Duffy-Vail (Charleston) NRG

E21-0090AB: Douglas Powers (North Yarmouth) v. Rumford Community Home (Rumford) & Jennifer Bodger (Rumford) NRG

E21-0145: Courtney McNulty (Oxford) v. Town & Country (Scarborough), Federal Credit Union (Scarborough) NRG

E21-0149: Susan Nadeau-Findlen (Durham) v. James Glanville (Yarmouth) NRG

PA21-0186: Evelyn Reha (Fort Fairfield) v. Urology- Northern Light Health (Presque Isle) NRG

E21-0361: Jessica Luttrell (Durham) v. IDEXX Laboratories, Inc. (Westbrook) NRG

H22-0413\*: Lillie Lavado (Presque Isle) v. Chad Junkins (Presque Isle) **RG**

## TABLED

PA21-0219\*: Jeffrey/Dana Berkowitz o/b/o Minor Child (Woodcliff, NJ) v. Nonantum Resort (Kennebunk), Jean Ginn Marvin (Kennebunk) & Tina Hewitt-Gordon (Kennebunk).

E21-0347\*: Mariah Tuscano (Milo) v. New Beginnings Residential Care, LLC (Milo)

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