



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

Amy M. Sneirson
EXECUTIVE DIRECTOR

John P. Gause
COMMISSION COUNSEL

COMMISSION MEETING MINUTES

19 Union Street ~ Augusta, Maine

August 5, 2013

Commissioner Vestal called the August 5, 2013 Commission meeting to order at 8:28 a.m. Present were Commissioners Paul Vestal, Deborah Whitworth, A. Mavourneen Thompson and Arnold Clark.

AGENDA

Executive Director Amy Sneirson requested that case E11-0495: Wesley Danforth (Winthrop) v. Kennebec Valley Dental Center (Augusta), be tabled to the September 23 agenda at the request of the parties.

Executive Director Amy Sneirson requested that case PA11-0458: Christopher Boucher (Westbrook) v. State of Maine/DHHS (Augusta), be tabled to the September 23 agenda at the request of the parties.

Executive Director Amy Sneirson requested that case PA11-0459: Christopher Boucher (Westbrook) v. Goodwill Industries of Northern New England (Portland), be tabled to the September 23 agenda at the request of the parties.

Commissioner Vestal called for adoption of the agenda as amended. Commissioner Whitworth moved, seconded by Commissioner Clark, to adopt the agenda. 4 in favor | 0 opposed.

CONSENT AGENDA (see detailed listing on page 5)

Commissioner Whitworth moved, seconded by Commissioner Thompson, to accept the Investigator's recommendations in each of the cases on the amended Consent Agenda. 4 in favor | 0 opposed.

MINUTES:

Commissioner Clark moved, seconded by Commissioner Thompson, to adopt the June 24, 2013 Commission Meeting Minutes. 4 in favor | 0 opposed.

QUARTERLY PROGRAM REVIEW:

- Inventory Status Report & Resolutions: There were 607 open cases at the end of July. The Commission closed 200 cases during the preceding quarter.
- Training/Education: Commissioners reviewed the quarterly report indicating that staff presented at 7 training sessions and attended 7 training sessions.

- Litigation - Commissioners agreed to move this item to another part of the agenda when the Commission could go into Executive Session.
- Financial: Commissioners reviewed the quarterly financial report and it was placed in the file.

ADMINISTRATION:

Personnel Report: Executive Director Amy Sneirson reported that there were no significant personnel changes. The Commission Counsel position closes for applications today, August 5.

COMPLIANCE:

Commissioners reviewed the compliance report and it was placed on file, showing one successful conciliation, and one unsuccessful conciliation.

Commissioner Whitworth moved, seconded by Commissioner Thompson, to accept the Conciliation Agreement, and to approve withdrawal of the complaint, in E11-0323, Clarke v. Realty Resources d/b/a Denny's. 4 in favor | 0 opposed.

INVESTIGATION:

New Charges: Commission staff opened 66 new cases in June 2013 and 42 in July 2013.

Administrative Dismissals: Commission staff dismissed 11 cases in June 2013 and 26 in July 2013.

Pre-determination Settlements: Since June 12, 2013, 22 cases resulted in settlements with total monetary relief in excess of \$389,000 for complainants.

NEW BUSINESS:

Commission Counsel John Gause reviewed the proposed changes to procedural rules, and discussed issues including interactive process requirements in the employment regulations. Executive Director Amy Sneirson reviewed the mediation program budget; 3,500 was stripped out of the Approved General Fund Budget. Commission Counsel John Gause reviewed possible third-party funding alternatives to fund the mediation program.

At 8:34 AM Commissioner Vestal called for an eight-minute recess.

CASES VOTED ON 8:46 A.M.:

E11-0476: James Allen (Nashua, N.H.) v. JetBlue Airways Corporation (Portland). James Allen restated the position of the Complainant. Attorney Dan Schwartz restated the position of the Respondent. Investigator Angela Tizon restated the facts of the cases. Commissioner Whitworth moved, seconded by Commissioner Thompson, to find are no reasonable grounds to believe that JetBlue Airways Corporation discriminated against James Allan on the basis of age and national origin by subjecting him to a hostile work environment and by terminating his employment. 4 in favor | 0 opposed.

E11-0489: Christine Taylor (Augusta) v. Motivational Services, Inc. (Augusta). Attorney Beth Gallie restated the position of the Complainant. Attorney Melissa O'Dea restated the position of the Respondent. Investigator Angela Tizon restated the facts of the case. Commissioner Thompson moved, seconded by Commissioner Clark, to find no reasonable grounds to believe that Motivational Services, Inc. discriminated against Christine Taylor in the terms and conditions of her employment by denying her a

reasonable accommodation for her disability. 4 in favor | 0 opposed. Commissioner Clark moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Motivational Services, Inc. discriminated against Christine Taylor on the basis of disability by terminating her employment. 4 in favor | 0 opposed.

E11-0494: Mary Boylan (Augusta) v. Washington Hancock Community Agency (Milbridge). Attorney Brent Singer restated the position of the Complainant. Attorney Melissa O’Dea restated the position of the Complainant. Investigator Angela Tizon restated the facts of the case. Commissioner Thompson moved, seconded by Commissioner Whitworth, to find **REASONABLE GROUNDS** to believe that Washington Hancock Community Agency retaliated against Mary Boylan in violation of the WPA by terminating her employment after she reported unsafe activity in the workplace. 4 in favor | 0 opposed. Commissioner Clark moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Washington Hancock Community Agency discriminated against Mary Boylan on the basis of disability by denying her a reasonable accommodation. 4 in favor | 0 opposed.

PA11-0703: Timothy Gora (Shirley) v. Town of Shirley (Shirley). Timothy Gora restated the position of the Complainant. Respondent did not appear. Investigator Robert Beauchesne restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Clark, to find no reasonable grounds to believe that Complainant Timothy w. Gora was unlawfully discriminated against by Respondent Town of Shirley on the basis of physical disability. 4 in favor | 0 opposed.

At 10:17 Chair Vestal Called for a 10 minute break.

E11-0704: Gloria Ripley (Sidney) v. Town of Sidney (Sidney): Gloria Ripley restated the position of the Complainant. Attorney Ed Benjamin restated the position of the Respondent. Investigator Victoria Ternig restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Thompson, to find no reasonable grounds to believe that Respondent Town of Sidney terminated Complainant Gloria Ripley’s employment due to her disability or that she was constructively discharged. 4 in favor | 0 opposed.

E12-0047: Christopher Keene (Greenville) v. Appalachian Mountain Club (Boston, MA) Complainant was not present. Commissioner Thompson moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Complainant Christopher Keene was subjected to unlawful sexual discrimination or retaliation by Respondent AMC. 4 in favor | 0 opposed.

H13-0062: Bemnet Damte & Katherine Morgan (Portland) v. Cheunglui (Howard) Yee (Portland). Bemnet Damte restated the position of the Complainants. Respondent did not appear. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Thompson moved, seconded by Commissioner Vestal, to find reasonable grounds to believe that Respondent Chenglui Yee has subjected Complainants Bemnet Damte and Katherine Morgan to a hostile housing environment based on race or religion. 2 in favor | 2 opposed (Clark & Whitworth opposed); the motion failed. Commissioner Clark moved, seconded by Commissioner Thompson, to re-open the complaint for further investigation. 4 in favor | 0 opposed.

H13-0148: Pine Tree Legal Assistance, Inc. (Augusta) v. Dennis Moreau (Poland). Dennis Moreau restated the position of the Respondent. Complainant was not present. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Thompson moved, seconded by Commissioner Whitworth, to find **REASONABLE GROUNDS** to believe that Respondent Dennis Moreau uses a rental application form that asks unlawful questions based on familial status and sexual orientation AND ALSO to find no reasonable grounds to believe that Respondent Dennis Moreau discriminates on the basis of race or color against applicants for rental housing. 4 in favor | 0 opposed.

E11-0599: Kayi Affo (Lewiston) v. Granite Bay Care, Inc. (Portland). Commissioner Thompson moved, seconded by Commissioner Clark, to move into executive session pursuant 1 M.R.S.§405(6)(F) to discuss information in the Investigator’s Report made confidential under 22 M.R.S. § 3474 (1). 4 in favor | 0 opposed. Commissioner Thompson moved, seconded by Commissioner Clark, to move out of executive session. 4 in favor | 0 opposed. Attorney Anne Carney restated the position of the Complainant. Ken Olsen restated the position of the Respondent. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Thompson moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Respondent Granite Bay Care, Inc. is liable for subjecting Complainant Kayi Z. Affo to a hostile work environment based on race/color, or that Respondent terminated Complainant’s employment because of her race/color. 4 in favor | 0 opposed.

EXECUTIVE SESSION:

Commissioner Thompson moved, seconded by Commissioner Clark, to move into executive session at 12:00 p.m. to discuss litigation with Commission Counsel pursuant 1 M.R.S.A.§405(6)(E). 3 in favor | 0 opposed (Thompson out of room).

At approximately 12:04 p.m. Commissioner Thompson moved, seconded by Commissioner Clark, to come out of executive session. 4 in favor | 0 opposed.

LITIGATION:

Commissioner Thompson moved, seconded by Commissioner Whitworth, not to file a complaint in the “reasonable grounds” case E12-0255, Kelly Roy v. Town of Old Orchard Beach (Whistleblower retaliation) 4 in favor | 0 opposed.

ADJOURN:

There being no further business to come before the Commission, Commissioner Chandler moved, seconded by Commissioner Whitworth, to adjourn the meeting. 4 in favor | 0 opposed.

The meeting was adjourned at 12:11 PM.

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.

CONSENT AGENDA

E11-0447:	Jennifer Seeley (Brewer) v. Genesis HealthCare/Orono Operations, LLC d/b/a Orono Commons (Portland)	NRG
E11-0506:	Susan Patneau (Auburn) v. Young Women’s Christian Association of Central Maine (Lewiston)	NRG
E11-0520:	Luke Eagle (Rockland) v. Pen Bay Medical Center d/b/a Waldoboro Family Medicine (Waldoboro)	NRG
E11-0524:	Chereese Boyd (Dorchester, MA) v. McKay Shared Living Services, Inc. (Milford)	NRG
E11-0526:	Jessica Richards (East Machias) v. Machias Dental, P.A. (Machias)	NRG
E11-0554:	Andrea Thompson (Auburn) v. Town of Limington (Limington)	RG/ NRG
E11-0613:	Kim Johnson (Calais) v. Wickachee Dining Room, Inc. (Calais)	NRG
E11-0629:	Allison MacDonald (Scarborough) v. Unum Group, Saucier, Gradowski (Portland)	NRG
E11-0659:	Norma Priest (Enfield) v. First Atlantic Healthcare d/b/a Colonial Health Care (Lincoln)	NRG
E11-0666:	Kristen Brown (Bangor) v. Kleen Rite Cleaning & Restoration, Inc. (Eddington)	NRG
E11-0675:	Babette Nesin (Howland) v. Alternative Organizational Structure 43 (Milo)	NRG
E11-0676:	Babette Nesin (Howland) v. Maine School Administrative District 31 (Howland)	
E11-0679:	Linda Bertrand (Old Orchard Beach) v. Sally Beauty Supply LLC (Denton, TX)	NRG
E11-0683:	Amy Maddux (Westbrook) v. Portland Motel Operator’s, Inc. d/b/a Super 8 Motel (Westbrook)	NRG
E11-0696:	Cynthia Vail (Falmouth) v. Integr8 Health, LLC (Falmouth)	NRG
E11-0735:	Paula Michaud (Madawska) v. Long Lake Sporting Club (Sinclair)	NRG
E12-0490:	Nancy Dube (Milford) v. W.S. Emerson, Company, Inc. (Brewer)	NRG
H13-0073:	Heather Arnett & Joseph Combs (Bangor) v. Mark C. Smith (Veazie)	NRG
H13-0084:	Andrew Coombs & Sherry Coombs (Lewiston) v. Wayne Hinxman (Greene)	NRG
H13-0085:	Andrew Coombs & Sherry Coombs (Lewiston) v. Donna Belanger (Lewiston)	
H13-0086:	Andrew Coombs & Sherry Coombs (Lewiston) v. Carolyn Daberry (Auburn)	
E13-0111:	Marilyn Levesque (Winterport) v. Sunbury Primary Care, P.A. (Bangor)	NRG