



Maine Human Rights Commission

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COMMISSION MEETING MINUTES

19 Union Street ~ Augusta, Maine

January 11, 2016

Commission Chair Arnold Clark called the January 11, 2016 Commission meeting to order at 8:23 a.m. Present were Commissioners Sallie Chandler, John Norman, A. Mavourneen Thompson and Deborah Whitworth.

AGENDA

Commission Chair Clark called for adoption of the Agenda and Consent Agenda.

Commissioner Chandler moved, seconded by Commissioner Whitworth, to adopt the Agenda and to accept the Investigator's recommendations in each of the cases on the Consent Agenda. 5 in favor | 0 opposed (see detailed listing on page 3).

MINUTES

Commissioner Norman moved, seconded by Commissioner Whitworth, to adopt the December 14, 2015 Commission Meeting Minutes. 5 in favor | 0 opposed.

ADMINISTRATION

Executive Director Amy Sneirson provided a quarterly program review, noting that currently there are 593 cases pending at the Commission, which is a lower number than usual; she expressed her belief that a backlog of intakes is the reason for the lower pending inventory count and that we would see a higher than usual number of cases next year as these cases arrive at the Commission. ED Sneirson also noted that the average number of days a complaint is pending at the Commission as of now is 291 days. With respect to training and education in which Commission staff were involved in the last quarter, ED Sneirson provided a report showing 23 events. ED Sneirson noted the quarterly finance report provided to Commissioners and stated that she or Melody Piper at the Commission would be glad to answer questions as needed. The Commissioners also received a quarterly litigation report.

ED Sneirson provided a report on the Commission's personnel, noting that several position vacancies at the Commission have staffers completing additional functions to keep the office functioning while the vacancies are addressed. With respect to the vacant Field Investigator position, ED Sneirson reported that six candidates were selected for interviews.

COMPLIANCE:

Commissioners reviewed the compliance report showing two successful conciliations, six unsuccessful conciliations, and one conciliation in progress. It was placed on file.

- Commissioner Chandler moved, seconded by Commissioner Whitworth, to approve a Conciliation Agreement in H15-0178, Leone v. Realty Resources. 5 in favor | 0 opposed.
- Commissioner Chandler moved, seconded by Commissioner Whitworth, to approve a Conciliation Agreement in PA13-0563, Whitmore v. Falmouth Pediatric Dentistry. 5 in favor | 0 opposed.

INVESTIGATION:

- New Charges: In December, 47 new complaints were filed with the Commission.
- Administrative Dismissals: The Executive Director administratively dismissed 38 cases in December.
- Pre-determination Settlements: Since December 2015, 11 cases pending at the Commission were resolved resulting in almost \$300,000 in benefits to complainants.

NEW BUSINESS: ED Sneirson reported that a new Legislative session had begun and that the Commission likely would be called on to testify about bills impacting the MHRA. ED Sneirson reported that there was one bill carried over from the first Legislative session related to service animals in housing; Commission Counsel Barbara Archer Hirsch discussed the Legislative work group in which she is participating regarding service animal issues.

At 8:28 AM Chair Clark called for a 10 minute recess.

CASES VOTED ON 8:35 A.M.

E14-0082: Lenora Papa (Wells) v. JetBlue Airways Corporation (Long Island, NY). Attorney Phil Mancini restated the position of the Complainant. Attorney Rebecca Cox restated the position of the Respondent. Investigator Robert Beauchesne restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Complainant Lenore Papa was subjected to unlawful retaliation in employment by Respondent JetBlue Airways Corporation. 5 in favor | 0 opposed. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Complainant Lenore Papa was subjected to unlawful discrimination in employment (denied reasonable accommodation, terminated from employment) on the basis of age or disability by Respondent JetBlue Airways Corporation. 4 in favor | 1 opposed (Thompson opposed).

E14-0116: Richard Burne (Bar Harbor) v. The Jackson Laboratory (Bar Harbor). Complainant was not present. Commissioner Thompson moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that The Jackson Laboratory discriminated against Richard Burne on the basis of disability by terminating his employment. 5 in favor | 0 opposed.

E14-0456: Jennifer Cotter (Portland) v. NorDx. (Scarborough). Complainant was not present. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Respondent NorDx retaliated against Complainant Jennifer D. Cotter for engaging in protected whistleblower activity. 5 in favor | 0 opposed.

H15-0396: Susana and Mariano Aldanondo and o/b/o Minor (Astoria, NY) v. Port Island Realty (Peaks Island, ME) and S. Butkus (Columbia, SC). Complainants were not present. Commissioner Norman moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe Respondents Port Island Realty and Stanley Butkus discriminated against Complainants Susana and Mariano Aldanondo individually and on behalf of Minor Children on the basis of race, national origin, and familial status by refusing to rent them. 4 in favor | 0 opposed | 1 Abstained (Thompson recused).

H15-0397: Susana and Mariano Aldanondo and o/b/o Minor (Astoria, NY) v. Ashmore Realty (Peaks Island, ME) and Susan and William Hollenbach (Havertown, PA). Complainants were not present. Commissioner Norman moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe Respondents Ashmore Realty and Susan and William Hollenbach discriminated against Complainants Susana and Mariano Aldanondo individually and on behalf of Minor Children on the basis of race, national origin, and familial status by refusing to rent them. 4 in favor | 0 opposed | 1 Abstained (Thompson abstained).

EXECUTIVE SESSION:

At 9:21 AM Commissioner Chandler moved, seconded by Commissioner Whitworth, to move 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 10:04 AM Commissioner Chandler moved, seconded by Commissioner Thompson, to come out of executive session. 5 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Whitworth, that the Commission should not litigate the cases E13-0647, Geary v Turf Products LLC, and PA14-0362, Widdecomb v. Jan Mee, and should litigate the case H15-0283, Davis v. Double Eagle Properties. 5 in favor | 0 opposed.

At approximately 10:45 AM, Commissioner Thompson moved, seconded by Commissioner Whitworth, to adjourn. 5 in favor | 0 opposed.

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.

- PA14-0048: Horace Salley (Warren) v. State of Maine, Department of Corrections, Maine State Prison (Augusta)
- PA14-0049: Horace Salley (Warren) v. Correct Care Solutions, LLC (Nashville, TN) NRG

- E14-0104: Gary Cromwell (Mercer) v. State of Maine, Department of Health and Human Services, Riverview Psychiatric Center (Augusta) NRG

- E14-0143: Michael Mitchell (Round Pond) v. Linda Bean’s Perfect Maine (Rockland) NRG

- E14-0179: Melissa Meymaris (Auburn) v. Spectrum Health Systems, Inc. (Worcester, MA) NRG

- E14-0314: Jason Leone (Bridgton) v. Bridgton Public Library (Bridgton) NRG

- E14-0345: Ronald Thibodeau (S. Portland) v. Millard Mall Services, Inc. a/k/a The Millard Group (Lincolnwood, IL) RG

- E14-0374: Philip Henry (Madison) v. Sandy and Daughters (Skowhegan) NRG

- E14-0468: Louis Dussault (Winthrop) v. Subway (Manchester) NRG

- H15-0424: Breanna Frost, Maverick Elwell and o/b/o Minor v. Kitt Scarponi and Linnco, Inc. (Brunswick) NRG