



Maine Human Rights Commission

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COMMISSION MEETING MINUTES

Senator Inn- Boardroom

19 Union Street ~ Augusta, Maine

March 27, 2017

Commissioner Deborah Whitworth called the meeting to order at 8:31 AM. Present were Commissioners Deborah Whitworth, John Norman, Ted Helberg, and Fred Oettinger.

AGENDA

Executive Director Amy Sneirson presented the Commissioners with a request for withdrawal in a case on today's Consent Agenda, Rogers v. Browne Trading Company, E15-0264. Commissioner Oettinger moved, seconded by Commissioner Helberg, to deny Complainant's request to withdraw the case. 4 in favor | 0 opposed.

Executive Director Amy Sneirson requested that the Commission table two cases on the Consent Agenda for today, Kenneth Stanhope v The Bluebird Ranch Family Restaurant (PA15-0130) and Kenneth Stanhope v Walmart (PA15-0133).

Commissioner Whitworth called for a motion to adopt the Agenda and Consent Agenda as amended. Commissioner Helberg moved, seconded by Commissioner Oettinger, to adopt the Agenda and to accept the Investigator's recommendations in each of the cases on the amended Consent Agenda. 4 in favor | 0 opposed. See detailed listing of Consent Agenda cases on page 4.

ADMINISTRATION

Monthly reports: Executive Director Sneirson next discussed reporting on Commission activities:

- Personnel: No new activity in February 2017.
- Compliance:
 - Since the last meeting, there was one unsuccessful conciliation and two successful conciliations. Three conciliations of reasonable-grounds cases remain active in active conciliation.
 - Commissioner Helberg moved, seconded by Commissioner Oettinger, to accept the Commission's conciliation agreement in Murray & Murray v KC Management Inc & Bradbury Apartments (H16-0224). 4 in favor | 0 opposed.
 - Commissioner Oettinger moved, seconded by Commissioner Norman, to accept the Commission's conciliation agreement in Pine Tree Legal Assistance v. King Weinstein / Portland Avenue Associates (H16-0376). 4 in favor | 0 opposed.
- Investigation:
 - New Charges: 54 new charges filed in February.
 - Administrative Dismissals: 19 administrative dismissals issued in February.
 - There was 1 predetermination settlement with benefits of \$10,000 to complainants.

New business:

- April is Fair Housing Month. Next month the Commission is having training sessions in Westbrook, Augusta, and Bangor. There are about 40-50 people registered at each.
- The State of Maine's Supplemental Budget for the current fiscal year (ending 6/30/2017), which contains several routine initiatives for the Commission, passed and is in effect.
- The Commission presented its agency Biennial Budget for 2018-19 the Judiciary Committee last week, and the Judiciary Committee approved all the Commission's initiatives (which were routine). The Appropriations Committee will hear the Judiciary Committee's report back on Friday. The Biennial Budget does not include the proposals the Commission is seeking by bill.
- The bill that the Commission is working on with Rep. Will Tuell to pursue the Executive Review Panel's recommendations should be published as a Legislative Document soon. It is being circulated for sponsors this week.
- A bill which sought to amend the MHRA to expressly state that a landlord is not responsible for damages caused by a tenant's assistance animals will be heard in Judiciary this week.

The Commission took a five-minute break at 8:44 AM.

At 8:44 AM Commission Chair Arnold Clark arrived at the meeting.

At 8:49 AM Commissioner Clark began the case hearing agenda.

MINUTES

Commissioner Norman moved, seconded by Commissioner Whitworth, to adopt the February 27, 2017 Commission meeting minutes. 5 in favor | 0 opposed.

CASES VOTED ON 8:45 A.M.

E15-0124: Jacob R. Labbe (Lewiston) v. Crane Brothers, Inc. (Exeter). Complainant was not present. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that Respondent Crane Brothers, Inc. discriminated against Complainant Jacob R. Labbe on the basis of race, color, national origin, ancestry, or sex by subjecting him to a hostile work environment. 5 in favor | 0 opposed.

E15-0135: Kayla Butcher (Turner) v. K & R Autosales, Inc. (Auburn). Complainant was not present. Commissioner Norman moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Complainant Kayla Butcher was subjected to unlawful discriminated on the basis of sex (terms and condition of employment) by Respondent K & R Autosales, Inc., and **reasonable grounds** to believe that Complainant was subjected to unlawful discrimination on the basis of sex (hostile work environment) by Respondent K & R Autosales, and **reasonable grounds** to believe that Complainant was subjected to unlawful WPA or MHRA retaliation by Respondent. 5 in favor | 0 opposed.

E15-0257: Wayne Wing (South Portland) v. Park 'n Jet (Portland). Complainant was not present. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe Respondent Park 'n Jet discriminated against Complainant Wayne Wing based on his age when it terminated his employment. 5 in favor | 0 opposed.

H/PA16-0476: Lisa Haskins (Harpwell) and Benjamin Below (Harpwell) v. Central Maine Power (Augusta). Before the case began, Commissioner Norman recused himself. Also, Commissioner Whitworth announced that

her spouse works for the Respondent but has nothing to do with the subject matter of the case; she will not recuse herself and feels she has no conflict in deciding the case. Commission Counsel Barbara Archer Hirsch stated that if anyone wished to request that Commissioner Whitworth recuse herself they could do so; there was no request. Attorney Kenneth Farber restated the position of the Respondent. Complainant Benjamin Below restated his position as one of the Complainants. Investigator Stuart Evans restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Respondent Central Maine Power discriminated against Complainants Lisa Haskins and Benjamin Below on the basis of disability in housing by interfering with their equal use and enjoyment of their housing when it denied their request for a reasonable modification or in public accommodations by enforcing a facially neutral policy that had a disparate impact on a protected class. 4 in favor | 0 opposed | 1 abstained (Norman). Commissioner Whitworth moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that Respondent Central Maine Power discriminated against Complainants Lisa Haskins and Benjamin Below in public accommodations on the basis of disability by denying them a reasonable modification to a policy. 3 in favor | 1 opposed (Oettinger) | 1 abstained (Norman).

EXECUTIVE SESSION:

At 9:58 AM, Commissioner Whitworth moved, seconded by Commissioner Helberg, 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 10:15 AM, Commissioner Whitworth moved, seconded by Commissioner Oettinger, to come out of executive session. 5 in favor | 0 opposed.

LITIGATION:

Commissioner Norman moved, seconded by Commissioner Helberg, that the Commission should not proceed with litigation in the reasonable-grounds case E16-0281, Jessica L. Locklear v. AJ's Market. 5 in favor | 0 opposed.

At approximately 10:18 AM, Commissioner Clark adjourned the meeting.

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.

E15-0082	Vivian Goulet (Biddeford) v. Maine Medical Center (Portland)	NRG
E15-0085	Kristofer R. Colford, Sr. (Gorham) v. Subway (Westbrook)	NRG
E15-0087 E15-0088	Carolynn M. Gustin (Augusta) v. SOM/Dept. Of Health & Human Services (Augusta) & Margaret Searle (Augusta)	NRG
PA15-0125	Dale Korhonen, Sr. (Rumford) v. Leonard I. Sharon, Esq. (Auburn)	NRG
E15-0126	Claudette M. Edgecomb (Fort Fairfield) v. Aroostook Band of Micmacs (Presque Isle)	NRG
E15-0127	Michael S. Robitaille (Lisbon) v. Town of Lisbon/Fire Dept. (Lisbon)	NRG
PA15-0133	John LeBlond (Lewiston) v. Mid Coast Connector (Belfast)	NRG
E15-0137 E15-0138 E15-0139	Felecia L. Graham (Vassalboro) v. RSU #2 (Hallowell), Deb Murphy (Hallowell), and Maggie McKenna (Hallowell)	NRG
E15-0264	Alan J. Rogers (South Portland) v. Browne Trading Company (Portland)	NRG
E15-0344	Kathryn Smith (Portland) v. Portland Public Schools (Portland)	NRG
E15-0391	Christine Darcy (Windham) v. Maine Medical Center (Portland)	NRG
E15-0416	Camille Atkinson (Huntsville, TX) v. Maine People's Alliance (Portland)	NRG
E15-0521	Randy S. Boom (Lewiston) v. Pavement Treatments, Inc. (Kennebunk)	NRG
E16-0267*	Tasha Patneau (Roxbury) v. Andover General Store (Andover)	RG
E16-0347	William R. Sjostrom, Jr. (Bangor) v. Realty Resources Hospitality, Bangor Denny's (Rockport)	NRG
H16-0497-A H16-0497-B	Mark Benson (West Bath) v. March Properties, LLC (Portland) & Robert Whisenant (West Bath)	NRG