

COMMISSION MEETING MINUTES

Senator Conference Center (Best Western) Embassy Room
284 Western Ave ~ Augusta, Maine

January 12, 2009

Chair Paul Vestal called the January 12, 2009 Commission meeting to order at 8:31 a.m. Present were Commissioners: Paul Vestal, Chair; Jadine O'Brien; and Sallie Chandler.

Paul Vestal called for adoption of the agenda.

- Commission Counsel John Gause requested that case E07-0427: Christy v. Gorham Savings Bank be removed from the Agenda due to settlement between the parties.
- Commission Counsel John Gause requested that the conciliation agreement in case E07-0333: Myhaver v. Medical Reimbursement Services, Inc. be added to the agenda.

Commissioner O'Brien moved, seconded by Commissioner Chandler to adopt the agenda as amended.
3 in favor, 0 opposed

CONSENT AGENDA (*see list attached*)

Commissioner O'Brien moved, seconded by Commissioner Chandler to accept the Investigator's recommendations in each of the cases on the Consent Agenda. 3 in favor, 0 opposed

MINUTES

Commissioner O'Brien moved, seconded by Commissioner Chandler to adopt the Minutes of the December 8, 2008, Commission Meeting. 3 in favor, 0 opposed

Commissioners moved Litigation discussions to the end of the agenda.

ADMINISTRATION

Personnel Report –Commissioners Reviewed the report and it was placed on file.

COMPLIANCE

Conciliation Agreement – E07-0333: Myhaver v. Medical Reimbursement Services. Commissioner O'Brien moved, seconded by Commissioner Chandler to accept the agreement. 3 in favor, 0 opposed.

Compliance Report - Commissioners reviewed Fran Davis' report and it was placed on file.

INVESTIGATION

- New Charges: Commission staff opened 46 new cases in November.
- Administrative Dismissals: Commission staff administratively dismissed 16 cases in December.
- Pre-determination Settlements: During the month of November investigators were responsible for obtaining settlements in 21 cases resulting in a total monetary relief of \$166,200.

NEW BUSINESS:

Commission Counsel John Gause discussed the gay marriage bill with Commissioners. Commissioners decided that since it does not amend the Maine Human Rights Act, the Commission will not take a position..

Commission Counsel John Gause reviewed statistics relevant to cases litigated in 2008.

Commission Counsel John Gause reviewed two cases: Tomer v. Maine Human Rights Commission and Maine Human Rights Commission v. Saddleback in his litigation report.

At 8:40 Chair Paul Vestal called for a 5 minute recess.

CASES VOTED ON:

E07-0206: Kevin Brown v. Hartt Transportation Systems, Inc.: Attorney Stephanie Mills restated the position of the Complainant. Attorney Stephen Langsdorf restated the position of the Respondent. Investigator Robert Beauchesne restated the facts of the case. Commissioner Chandler moved, seconded by Commissioner O'Brien to find **reasonable grounds** to believe that unlawful employment discrimination because of disability has occurred. 3 in favor, 0 opposed. Commissioner Chandler moved, seconded by Commissioner O'Brien to find no reasonable grounds to believe that unlawful employment discrimination because of disability has occurred. 3 in favor, 0 opposed.

E07-0430: Patty Burrell v. Skills, Inc.: Complainant was not present. Respondent was not present. Commissioner O'Brien moved, seconded by Commissioner Chandler to find no reasonable grounds to believe that unlawful employment discrimination because of disability or whistleblowers protection has occurred. 3 in favor, 0 opposed.

E08:0026: Vincent Rosa v. Cumberland Farms, Inc.: Vincent Rosa restated the position of the Complainant. Attorney Tracy Watts restated the position of the Respondent. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Chandler moved, seconded by Commissioner O'Brien to find no reasonable grounds to believe that unlawful employment discrimination because of retaliation or whistleblowers protection has occurred. 3 in favor, 0 opposed.

E08-0149: Caryn Clark v. Unum Group: Caryn Clark restated the position of the Complainant. Respondent was not present. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner O'Brien moved, seconded by Commissioner Chandler to find no reasonable grounds to believe that unlawful employment discrimination because of disability (reasonable accommodation) has occurred. 3 in favor, 0 opposed. Commissioner O'Brien moved, seconded by Commissioner Chandler to find no reasonable grounds to believe that unlawful employment discrimination because of retaliation has occurred. 3 in favor, 0 opposed.

H08-0376: Madeleine Bourduas v. P. Sheltra, C. Sheltra & Seltra & Son Realty: Attorney Meg Sanders restated the position of the Complainant. Attorney Nicole Lorenzatti restated the position of the Respondent. Investigator Angela Tizon restated the facts of the case. Commissioner O'Brien moved, seconded by Commissioner Chandler, to find reasonable grounds to believe Paul Sheltra and Sheltra & Sons Realty LLC discriminated against Complainant on the basis of disability, reasonable accommodation, and retaliation. 1 in favor, (Chandler) 2 opposed (Vestal, O'Brien), motion failed. Commissioner Vestal moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe Paul Sheltra and Sheltra & Sons Realty LLC discriminated against Complainant on the basis of disability, reasonable accommodation, and retaliation. 3 in favor, 0 opposed. Commissioner Vestal moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe Claudette Sheltra discriminated against Complainant on the basis of disability, reasonable accommodation, and retaliation. 3 in favor, 0 opposed.

H08-0467: William Kelley & Tracie Veins o/b/o minors v. Arsenault Enterprises & D. Arsenault: Complainant was not present. Respondent was not present. Commissioner Chandler moved, seconded by Commissioner O'Brien to find no reasonable grounds to believe that unlawful housing discrimination because of race/color, disability, receipt of public assistance for familial status has occurred. 3 in favor, 0 opposed.

H08-0527: Daniel Boggs, Jr. V. Kimberly Eaton d/b/a Eaton Apartments: Complainant was not present. Respondent was not present. Commissioner Chandler moved, seconded by Commissioner O'Brien to find no reasonable grounds to believe that unlawful housing discrimination because of disability or sexual orientation has occurred. 3 in favor, 0 opposed.

EXECUTIVE SESSION:

Commissioner O'Brien moved, seconded by Commissioner Chandler to move into executive session to discuss litigation with Commission Counsel pursuant to 1 M.R.S.A. §405(6)E. 3 in favor, 0 opposed
Commissioner O'Brien moved, seconded by Commissioner Chandler to move out of executive session. 3 in favor, 0 opposed

LITIGATION:

Commissioner O'Brien moved, seconded by Commissioner Chandler to authorize Commission Counsel to continue to litigate E07-0195 Mckeil v. Northeast Bank and E07-0164 Gagne v. Northeast Bank. 3 in favor, 0 opposed

Commissioner O'Brien moved, seconded by Commissioner Chandler not to file a complaint in case E07-0226: Everett Buzzell v. Eastern Maine Medical Center. 3 in favor, 0 opposed

Commissioner O'Brien moved, seconded by Commissioner Chandler not to file a complaint in case E07-0416: Rehima Hellali v. Northeast Career Schools of Maine. 3 in favor, 0 opposed

Commissioner O'Brien moved, seconded by Commissioner Chandler not to file a complaint in case E07-0458: Keith Geary v. Bradco Supply Co. 3 in favor, 0 opposed

ADJOURN:

There being no further business to come before the commission, the meetings was adjourned at 10:45 a.m.

CONSENT AGENDA:

The consent agenda is a listing of cases scheduled on the Commission's meeting agenda in which there is no written disagreement to the Investigator's recommendation. Commissioners consider these cases without oral argument by the parties.

E07-0136:	Deborah Copeland Arundel) v. Coastal Women's Healthcare (Scarborough)	NRG
	Lloyd Hankla (Bath) v. Coastal Economic Development (a/k/a Midcoast Maine	
E07-0173:	Community Action (Bath)	NRG
E07-0234:	Ed Ricci (Saco) v. Sodexo America LLC (MD)	NRG
E07-0261:	Mary Ann Coppersmith (Windham) v. Systems 1, d/b/a Employment 1 (Portland)	NRG
E07-0278:	Barbara Pelletier (Limestone) v. Crown Park Inn (Caribou)	NRG
E07-0282:	Lisa Smith (Portland) v. Standard Baking Co (Portland)	NRG
E07-0283:	Gary Gorman (Norridgewock) v. Soule's Disposal & Recycling (Norridgewock)	NRG
E07-0409:	Pietro Dellarma (Norridgewock) v. Cianbro Corporation (Pittsfield)	NRG
E07-0463A:	Tonia Bowring (Norridgewock) v. Bruce A. Manzer, Inc. (Anson)	NRG
E07-0497:	Andrew Lindsey (Bangor) v. NFI North Inc. (Stetson)	NRG
	Andrew Lindsey (Bangor) v. North American Families, Inc. (MA)	
E07-0498:	Rickley McDaniel (Biddeford) v.. Interstate Brands Corporation (Biddeford)	NRG
E07-0668:	Sarah Wildes (Saco) v. Interstate Brands Corporation (Biddeford)	NRG
E08-0006:	Judith Klein-Golden (Lisbon Falls) v. State of Maine/Judicial Branch (Portland)	NRG
E08-0057:	Anna Carpenter (Rockland) v. PDQ Convenience, LLC (Rockland)	RG/NRG
E08-0057A:	Anna Carpenter (Rockland) v. A. Seccareccio (Rockland)	RG/NRG
E08-0048:	Rickley McDaniel (Biddeford) v. Interstate Brands Corporation (Biddeford)	NRG
PA08-0078:	James Stile (Sangerville) v. State of Maine Judicial Branch (Augusta)	
PA08-		
0078A:	James Stile (Sangerville) v. K. Cuddy (Augusta)	NRG
PA08-0079:	James Stile (Sangerville) v. State of Maine Judicial Branch (Augusta)	NRG
PA08-		
0079A:	James Stile (Sangerville) v. M. Webber (Augusta)	NRG
E08-0114:	David Ouellette (Buxton) v. General Dynamics of Maine (Saco)	NRG
PA08-0287:	William Rowe (NH) v. Meetup, Inc. (Portland Dining Out Group) Portland	NRG
H08-0549:	Tammy Miner (Portland) v. Harry Krigman (Cape Elizabeth)	NRG