



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

Barbara Archer Hirsch
COMMISSION COUNSEL

COMMISSION MEETING MINUTES

Senator Inn - Boardroom

19 Union Street ~ Augusta, Maine

August 27, 2018

Commissioner Deborah Whitworth chaired the meeting and called it to order at 8:30 AM. Also present were Commissioners John Norman, Ted Helberg, and Fred Oettinger.

AGENDA

Executive Director Amy Sneirson presented a complainant's request to withdraw their complaint in H18-0151 (Ritter v Hall, Emerton & Foley), a case on today's Consent Agenda. Commissioner Helberg moved, seconded by Commissioner Oettinger, to deny the request to withdraw complaint in H18-0151. 4 in favor | 0 opposed.

Commissioner Helberg moved, seconded by Commissioner Oettinger, to adopt the Agenda and to accept the Investigator's recommended decision in each of the cases listed on the Consent Agenda (see listing on page 4). 4 in favor | 0 opposed.

MINUTES

Commissioner Oettinger moved, seconded by Commissioner Norman, to adopt the July 23, 2018 Commission meeting minutes. 4 in favor | 0 opposed.

ADMINISTRATION

Monthly reports: Executive Director Sneirson discussed reporting on Commission activities from December:

- Personnel: The Commission completed the hiring process for one of the two vacant Investigator position, with a new hire starting on September 4. The Governor approved the Commission's advertisement of the second Investigator vacancy; the second vacancy is being filled in the interim in acting capacity until the Commission can complete recruitment activities for that position. The Commission's law school intern completed a successful summer internship last week, and a new law school intern will be starting in the next few weeks.
- Compliance: Since the last meeting, there were four unsuccessful conciliations and two successful conciliations. Five reasonable-grounds cases remain in active conciliation.
 - Commissioner Helberg moved, seconded by Commissioner Norman, to accept the conciliation agreement in Bauman v. Lassell (#H18-0024) . 4 in favor | 0 opposed.
 - Commissioner Helberg moved, seconded by Commissioner Norman, to accept the conciliation agreement in McArdle v. Cafe Dry Dock Inn (#PA17-0362) . 4 in favor | 0 opposed.
- New Charges: 39 new charges filed in July.
- Administrative Dismissals: In July, 16 administrative dismissals and 15 Right-to-Sue letters issued.
- There were 10 predetermination settlement agreements totaling \$140,000 in benefits to complainants.

NEW BUSINESS

Executive Director Sneirson reported the following;

- Proposed amendments to the Commission's Procedural Rule have been published on the Commission's website, submitted for news publication and provided by email to attorneys who frequently practice at the Commission. The deadline for public comments is September 21, 2018; no public hearing is required.
- The 2019 schedule for Commission meetings has been distributed and will allow us to reserve meeting space for the upcoming year.
- The Commission's Biennial Budget request has been submitted for consideration into the Governor's Budget proposal.
- Commissioner Norman has been re-appointed by the Office of the Governor for another five-year term on the Commission. Public hearing on his reappointment will take place on September 5.

The Commission took a three-minute break at 8:42 AM.

At 8:45 AM Commissioner Deb Whitworth began the case hearing agenda.

CASES VOTED ON

E16-0392: Linda M. Pelletier (Fort Kent) v. Ambulance Service Incorporated (Fort Kent). Attorney Tim O'Brien restated the position of the Respondent. Attorney Max Brooks restated the position of the Complainant. Investigator Robert Beauchesne restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Oettinger, to find there are **Reasonable Grounds** to believe that Ambulance Service, Inc., retaliated against Linda Pelletier for engaging in protected activity under the WPA, and No Reasonable Grounds to believe that Ambulance Service, Inc., retaliated against Linda Pelletier for engaging in protected activity under the MHRA, and No Reasonable Grounds to believe that Ambulance Service, Inc., discriminated against Complainant on the basis of disability (discharge, unlawful medical inquiry). 4 in favor | 0 opposed.

E16-0393: David J. Pelletier (Fort Kent) v. Ambulance Service Incorporated (Fort Kent). Attorney Tim O'Brien restated the position of the Respondent. Attorney Max Brooks restated the position of the Complainant. Investigator Robert Beauchesne restated the facts of the case. Commissioner Oettinger moved, seconded by Commissioner Helberg, to find there are **Reasonable Grounds** to believe that Ambulance Service, Inc., retaliated against David Pelletier for engaging in protected activity under the WPA, and No Reasonable Grounds to believe that that Ambulance Service, Inc., retaliated against David Pelletier for engaging in protected activity under the MHRA, and No Reasonable Grounds to believe that Ambulance Service, Inc., discriminated against David Pelletier on the basis of association with an individual with disability (discharge). 4 in favor | 0 opposed.

PA16-0436A/B: George Stanley (Greene) v. St. Mark's Episcopal Church/Addie's Attic (Augusta) & United Way of Kennebec Valley/The Warming Center (Augusta). Complainant was not present. Commissioner Helberg moved, seconded by Commissioner Norman, to find there are No Reasonable Grounds to believe that George Stanley was subjected to unlawful discrimination on the basis of sex and/or sexual orientation by St. Mark's Episcopal Church/Addie's Attic and United Way of Kennebec Valley/The Warming Center; and No Reasonable Grounds to believe that St. Mark's Episcopal Church/Addie's Attic and/or United Way of

Kennebec Valley/The Warming Center retaliated against George Stanley. 4 in favor | 0 opposed.

E17-0162: Amanda Dube (Hallowell) v. Red's Pizza and Grill (Gardiner). Mike Blanche restated the position of the Respondent.. Amanda Dube restated her position as the Complainant. Investigator Joseph Hensley restated the facts of the case. Commissioner Oettinger moved, seconded by Commissioner Norman, to find **Reasonable Grounds** to believe that Red's Pizza and Grill discriminated against Amanda Dube based on her sex. 3 in favor | 1 opposed (Whitworth opposed).

E17-0167: Richard McCarthy (Stockholm) v. Cary Medical Center (Caribou). Complainant was not present. Commissioner Helberg moved, seconded by Commissioner Oettinger, to find No Reasonable Grounds to believe that Cary Medical Center discriminated against Richard McCarthy in employment on the basis of sexual orientation, and No Reasonable Grounds to believe that Cary Medical Center unlawfully retaliated against Richard McCarthy in employment in violation of the WPA and/or MHRA. 4 in favor | 0 opposed.

E17-0400: Adrian D. Moss (Winter Haven, FL) v. Brock Services LLC (Portland). Attorney Eric Uhl restated the position of the Respondent. Attorney Lisa Butler restated the position of the Complainant. Investigator Joseph Hensley restated the facts of the case. Commissioner Norman moved, seconded by Commissioner Oettinger, to find **Reasonable Grounds** to believe that Brock Services LLC discriminated against Adrian Moss based on his race and color. 4 in favor | 0 opposed.

H18-0142: Patricia Ryan (Sabattus) v. C&C Realty LLC (Augusta) & Garden Heights Associates (Portland). Patricia Ryan, and Theresa Lynn Ryan restated the position of the Complainant. Lisa Davies restated the position of the Respondent. Chief Investigator Alice Neal restated facts of the case. Respondent Commissioner Helberg moved, seconded by Commissioner Oettinger, to find No Reasonable Grounds to believe that C&C Realty LLC or Garden Heights Associates discriminated against Patricia Ryan on the basis of disability in the terms and conditions of her housing, including by subjecting her to a hostile housing environment. 4 in favor | 0 opposed.

EXECUTIVE SESSION

At 11:10 AM, Commissioner Oettinger moved, seconded by Commissioner Norman, to go into executive session to discuss with the Commission's counsel pending or contemplated litigation, the Commission's legal rights and duties, and the employment, duties, compensation, evaluation, disciplining, or resignation of an individual or group of employees of the body or agency. compensation promotion pursuant 1 M.R.S. §§405(6)(A) and (6)(E). 4 in favor | 0 opposed.

At approximately 11:40 AM, Commissioner Norman moved, seconded by Commissioner Helberg, to come out of executive session. 4 in favor | 0 opposed.

Commissioner Norman moved, seconded by Commissioner Helberg, to approve the Commission's settlement agreement resolving the reasonable-grounds case of *Barbara and Michael Davis and the Maine Human Rights Commission v. Double Eagle Properties, LLC*, MHRC #H15-0283; Docket No. KEN-CV-17-12
4 in favor | 0 opposed.

At approximately 11:45 AM, Commissioner Whitworth 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.

E16-0342	Lisa K. Nash (Falmouth) v. State of Maine, Dept. of Corrections; Portland Probation (Portland)	NRG
E16-0395	Anne R. Cyr (Mapleton) v. Full Circle Health Care (Presque Isle) & Barry Campbell (Presque Isle)	NRG
E16-0419	Shirley Johnson (Old Orchard Beach) v. NL Partner (Portland)	NRG
E17-0152	Jeffrey Mace (Shirley Mills) v. Maine Department of Transportation (Augusta)	NRG
E17-0187	Timothy E. Spellman (Bangor) v. Harley Plumbing & Heating (Bangor)	NRG
E17-0189	Rhonda L. Brown (Belfast) v. Athena Health (Belfast)	NRG
E17-0283	John Farina (Belgrade) v. Inland Hospital (Waterville)	NRG
H18-0145 A/B	Michelle Tucker, individually and o/b/o Minor Child (Auburn) v. Lake Street Apartments, (Minot) & Lisa Graves (Minot)	NRG
H18-0146 A, B, C	Andrea Adams (Augusta) v. Bread of Life Ministries (Augusta), John A. Richardson (Augusta), Janelle Bechard (Augusta), & Westman Village, Inc. (Augusta)	NRG
H18-0151 A, B, C	Sharon Ritter (Brewer) v. Rebecca Hall (Bangor), Wayne Emerton (Verona Island), & Autumn Foley (Brewer)	NRG

TABLED CASES

E17-0002* Madeline Auclair (Saco) v. Coasters (Biddeford)

H18-0155* Leslie McClellan (Old Orchard Beach) v. Mark Gervais (Old Orchard Beach)