



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

November 19, 2018

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

AGENDA

Commissioner Oettinger moved, seconded by Commissioner Norman, 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). 3 in favor | 0 opposed.

MINUTES

Commissioner Norman moved, seconded by Commissioner Oettinger, to adopt the October 22, 2018 Commission meeting minutes. 3 in favor | 0 opposed.

ADMINISTRATION

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

- Personnel: The field investigator position vacated by Stuart Evans in July will be filled as of 12/3, when attorney Kathryn Hutchison joins us. A number of law school externs will join the Commission for the spring, two of whom are returning for a second semester's internship.
- Compliance: Since the last meeting, there were no unsuccessful conciliations and one successful conciliation. Six reasonable-grounds cases remain in active conciliation.
- Commissioner Oettinger moved, seconded by Commissioner Norman, to accept the conciliation agreement in Dube v. Red's Pizza and Grill (#EI7-0162). 3 in favor | 0 opposed.
- New Charges: 69 new complaints filed in October.
- Administrative Dismissals: 26 administrative dismissals issued in October.
- There were three predetermination settlement agreements totaling \$31,000 in benefits to complainants.

NEW BUSINESS

Executive Director Sneirson reported a new procedure will be implemented beginning in December 2018 for cases in which administrative dismissal is contemplated. During a recent Maine Supreme Court hearing, the Law Court justices expressed concern as to whether a complainant whose case E.D. Sneirson administratively dismissed could pursue MHRA remedies in subsequent court action. In order to address the technical legal issues discussed during that hearing, the Executive Director will begin providing administrative dismissal recommendations to Commissioners for review and approval prior to issuing a

dismissal, with cases will be listed on the Commission's Agenda. Commissioners will see a list of cases on the Agenda for Administrative Determination, just as they now see cases listed for the Consent Agenda. After a vote to adopt the recommended "no reasonable grounds" determination in those cases on the list, the Commission will send a statement of findings to the parties in each case reflecting the no-reasonable-grounds finding pursuant to 5 M.R.S. §4612(2).

At 8:43 AM, Commissioners took a two-minute break.

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

CASES VOTED ON

E16-0449:* Lynn Keeran (Eddington) v. Discovery House (Bangor). Respondent was not present. Commissioner Oettinger moved, seconded by Commissioner Norman, to find there are **Reasonable Grounds** to believe that Discovery House discriminated against Lynn Keeran on the basis of sex (hostile work environment), and **Reasonable Grounds** to believe that Discovery House retaliated against Lynn Keeran for engaging in WPA- and/or MHRA protected conduct. 3 in favor | 0 opposed.

E16-0471: Alan Pettengill (Buxton) v. Saco Bay Millwork Company, Inc. (Bangor). Attorney Marshall Tinkle restated the position of the Complainant. Tim Flynn restated the position of the Respondent. Investigator Robert Beauchesne restated the facts of the case. Commissioner Norman moved, seconded by Commissioner Oettinger, to find there are No Reasonable Grounds to believe that Saco Bay Millwork Company discriminated against Alan Pettengill on the basis of sex and/or sexual orientation, and No Reasonable Grounds to believe that Saco Bay Millwork Company, Inc, retaliated against Allan Pettengill for engaging in WPA- and/or MHRA-protected conduct. 3 in favor | 0 opposed.

E17-0004: Holly B. Stover (Boothbay) v. State of Maine, Department of Health and Human Services (Augusta). Attorney Jeffrey Neil Young restated the position of the Complainant. Attorney Kelly L. Morrell restated the position of the Respondent. Investigator Joseph Hensley restated the facts of the case. Commissioner Norman moved, seconded by Commissioner Oettinger, to find there are **Reasonable Grounds** to believe that the State of Maine/Department of Health and Human Services retaliated against Holly Stover because of protected activity. 2 in favor | 1 opposed (Whitworth opposed).

E17-0214: Raymond E. Porelle, Jr. (Wells) v. York County Community Action Corporation (Sanford). Complainant was not present. Commissioner Norman moved, seconded by Commissioner Oettinger, to find No Reasonable Grounds to believe that the York County Community Action Corporation discriminated against Raymond Porelle, Jr. in employment on the basis of sex (sexual harassment) and No Reasonable Grounds to believe that the York County Community Action Corporation unlawfully retaliated against Raymond Porelle, Jr. for engaging in WPA- and/or MHRA-protected conduct. 3 in favor | 0 opposed.

H18-0259A/B: Lisa Ohanian (Waterville) v. James Boles & Richard Boles (Oakland). Lisa Ohanian restated her position of the Complainant. James Boles and Richard Boles restated their position as Respondents. Investigator Joseph Hensley restated the facts of the case. Commissioner Oettinger moved, seconded by Commissioner Norman, to find No Reasonable Grounds to believe that James Boles & Richard Boles discriminated against Lisa Ohanian in providing housing because of her disability (reasonable accommodation/modification, terms and conditions), and No Reasonable Grounds to believe that James

Boles & Richard Boles retaliated against Lisa Ohanian for engaging in MHRA-protected activity. 3 in favor | 0 opposed.

EXECUTIVE SESSION

At 10:22 AM, Commissioner Oettinger moved, seconded by Commissioner Norman, 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). 3 in favor | 0 opposed.

At approximately 10:41 AM, Commissioner Norman moved, seconded by Commissioner Oettinger, to come out of executive session. 3 in favor | 0 opposed.

Commissioner Norman moved, seconded by Commissioner Oettinger, to give E.D. Sneirson authority to sign on the Commission’s behalf a settlement agreement resolving the court action styled as *MHRC and Thompson v. CP Management, LLC (aka Cornerstone Property Management)*, pending in Kennebec County Superior Court Docket No. 16-CV-25.

At approximately 10:45 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.

E16-0498:	Jennifer J. Pineau (Yarmouth) v. Harraseeket Inn (Freeport)	NRG
PA16-0502:	Ricky Block (Windham) v. Maine Correctional Center (Windham) & Maine Department of Corrections (Augusta)	NRG
PA17-0084:	George Stanley (Greene) v. Cumberland Farms (Auburn)	NRG
E17-0092:	Karen Houghton (Center Ossipee, NH) v. Maine Behavioral Healthcare (Portland)	NRG
E17-0205:	Daniel Boynton (Casco) v. H & B Foundations, Inc. (Kennebunk)	NRG
E17-0341:	Jessica Bizier-Nye (Winslow) v. Kennebec Anesthesia Associates, P.A. (Augusta)	NRG
E17-0353 ABC:	Chioma M. Onukwugha (Charleston, WV) v. Eastern Maine Medical Center (Brewer), Darby Stuart (Brewer), & Kristen Cox (Brewer)	NRG
PA17-0417:	Judith Buskey (Canaan) v. DHHS (Skowhegan)	NRG
E17-0503:	Nancy O’Halloran (Hermon, ME) v. Fedex (Memphis, TN)	NRG
H18-0280A/B:	Cynthia Hobson (Lewiston) v. Andrew Tieman (Pownal) & Larry Greene (Lewiston)	NRG

TABLED CASES

PA16-0472*:	John J. Mokarzel (Ogunquit) v. H&B Realty, LLC (Gray)
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