



# Maine Human Rights Commission

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## COMMISSION MEETING MINUTES

### Senator Inn - BOARDROOM

284 Western Ave ~ Augusta, Maine 04330

December 16, 2019

Chair Clark called the meeting to order at 8:30 AM. Also present were Commissioners Deb Whitworth, Ted Helberg, and Jeff Ashby.

### AGENDA

Commissioner Ashby moved, seconded by Commissioner Helberg, 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 Whitworth moved, seconded by Commissioner Helberg, to adopt the November 18, 2019 Commission meeting minutes. 4 in favor | 0 opposed.

### ADMINISTRATION

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

- Personnel: Our newest investigator, Milo Gitchos, began work at the Commission on 12/2.
- Compliance: Since the last meeting, there was one unsuccessful conciliation and no successful conciliations. Eight reasonable-grounds cases remain in active conciliation.
- New Charges: 56 new complaints filed in November.
- Administrative Dismissals: Five administrative dismissals issued in November.
- There were no predetermination settlement agreements for the month of November.

### NEW BUSINESS

The Commission hosted a continuing legal education seminar as part of a statewide human rights summit on December 10, 2019. Both events - the CLE and statewide summit- were well-attended and successful. The Commission is considering doing additional events around the state.

E.D.Sneirson and Chief Investigator Alice Neal attended a meeting with the EEOC and other Fair Employment Practices Agencies in the EEOC's New York District recently.

The Commission has been informed that it will be moving back to its permanent location at 19 Union Street in March or April. It is uncertain whether there will be open meeting room space that can accommodate public Commission meetings.

The Legislature will be going into session for the second, short session of this two-year legislative cycle in early January 2020.

At 8:45 AM Chair Clark began the case hearing agenda.

## CASES VOTED ON

PA18-0047: José Gautier-Lipsett (Portland) v. Houlton Police Department (Houlton). José Gautier-Lipsett restated his position as the Complainant. The Respondent was not present. Chief Investigator Alice A. Neal reviewed the prior investigator's investigation, report and recommended decision(s). Commissioner Helberg moved, seconded by Commissioner Ashby, to find there are no reasonable grounds to believe that Houlton Police Department discriminated against José Gautier-Lipsett based on national origin/ancestry and/or race, and no reasonable grounds to believe that Houlton Police Department retaliated against José Gautier-Lipsett for engaging in MHRA-protected activity. 4 in favor | 0 opposed.

E18-0294-ABC\*: Sharon Murphy (Bangor) v. Membership Holdings (Bangor), Membership Auto, LLC (Bangor), Ultimate Equity Holdings, Inc. (Bangor). Nathan Reardon restated his position as the owner of the Respondent(s). Attorney Daniel Monahan restated the position of the Complainant. Investigator Jane O'Reilly reviewed her investigation and recommended decision(s). Commissioner Ashby moved, seconded by Commissioner Helberg, to find there are **reasonable grounds** to believe that Respondents Ultimate Equity Holdings, LLC and Membership Auto, LLC discriminated against Sharon Murphy on the basis of sex. 4 in favor | 0 opposed. Commissioner Helberg moved, seconded by Commissioner Ashby, to find no reasonable grounds to believe that Respondent Membership Holdings discriminated against Sharon Murphy on the basis of sex. 4 in favor | 0 opposed.

E18-0394: Todd Wormell (Baileyville) v. Woodland Pulp, LLC (Baileyville). Todd Wormell restated his position as the Complainant. Attorney Melinda J. Caterine restated the position of the Respondent. Investigator Kit Thomson Crossman reviewed their investigation and recommended decision(s). Commissioner Whitworth moved, seconded by Commissioner Helberg, to find there are no reasonable grounds to believe that Woodland Pulp, LLC discriminated against Todd Wormell on the basis of disability. 4 in favor | 0 opposed.

E19-0004-AB: Gene Whitney (Limerick) v. Edward Palmer (Tampa, FL) and Ocean Properties Management (Tampa, FL). Complainant was not present. Commissioner Helberg moved, seconded by Commissioner Ashby, to find there are no reasonable grounds to believe that Edward Palmer and/or Ocean Properties Management discriminated against Gene Whitney on the basis of age and there are no reasonable grounds to believe that Edward Palmer and/or Ocean Properties Management retaliated against Gene Whitney for engaging in WPA- or MHRA- protected activity. 4 in favor | 0 opposed.

E19-0047: Eileen Moore (New Gloucester) v. L.L. Bean (Freeport). Eileen Moore restated her position as the Complainant. Attorney Peter D. Lowe restated the position of the Respondent. Investigator Alexandra R. Brindley reviewed her investigation and recommended finding(s). Commissioner Whitworth moved, seconded by Commissioner Helberg, to find there are no reasonable grounds to believe that L.L. Bean discriminated against Eileen Moore on the basis of disability. 4 in favor | 0 opposed.

H/ED/PA19-0049-A & ED/PA19-0049-BC: Brian Rinaldi restated his position as the Complainant. Attorney Nina Lavoie restated the position of the Respondent. Investigator Jane O'Reilly reviewed her investigation and recommended finding(s). Commissioner Helberg moved, seconded by Commissioner Ashby, to find: there are no reasonable grounds to believe that University of Maine at Machias discriminated against Brian Rinaldi in housing on the basis of disability; and there are no reasonable grounds to believe that University of Maine at Machias, Daniel Gardner, and/or Karen Kimball discriminated against Brian Rinaldi in education or public accommodation on the basis of disability; and there are no reasonable grounds to believe that University of Maine at Machias, Daniel Gardner, and/or Karen Kimball retaliated against Brian Rinaldi for engaging in MHRA-Protected activity. 3 in favor | 0 opposed | 1 abstained (Clark abstained).

H19-0202-A-E\*: Angela Pitts (Lewiston) v. Ricky Drew (Raymond), Adam Mack (Standish), Jesse Warren (Charleston), Nicole Policano (Auburn), and Blue Wagon, LLC (Raymond). Attorney Patricia M. Ender restated the position of the Complainant. Respondents were not present. Investigator Kit Thomson Crossman reviewed their investigation and recommended decision(s). Commissioner Helberg moved, seconded by Commissioner Whitworth, to find there are **reasonable grounds** to believe that Jesse Warren discriminated against Angela Pitts on the basis of sex. 4 in favor | 0 opposed. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find there are no reasonable grounds to believe that Ricky Drew discriminated against Angela Pitts on the basis of sex, no reasonable grounds to believe that Adam Mack discriminated against Angela Pitts on the basis of sex, no reasonable grounds to believe that Nicole Policano discriminated against Angela Pitts on the basis of sex, and no reasonable grounds to believe that Blue Wagon, LLC discriminated against Angela Pitts on the basis of sex. 3 in favor | 1 opposed (Ashby opposed).

## EXECUTIVE SESSION

At 12:37 AM, Commissioner Clark moved, seconded by Commissioner Whitworth, 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). 4 in favor | 0 opposed.

At approximately 12:41 AM, Commissioner Ashby moved, seconded by Commissioner Helberg, to come out of executive session. 4 in favor | 0 opposed.

Commissioner Ashby moved, seconded by Commissioner Whitworth, to not litigate the following reasonable-grounds cases in which conciliation was not successful:

- Ballesteros v. ALCOM, LLC & Hudson Ferry Capital, LLC (E17-0267-AB)
- Rouillard v. Cumberland County (E17-0292)
- Miller v. Acadia Healthcare Company, Inc. and DHG Services, LLC (E17-0464-AB)
- Estee v. Michael Jacques (PA18-0165-B)
- Van Rose v. Thomas Yarcheski (E18-0359)

4 in favor | 0 opposed.

At approximately 12:43 PM, Chair 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.

E18-0086:	Jeffrey Holman (Belgrade) v. Paragon Systems, Inc. (Manchester, NH)	NRG
PA18-0231:	Chris Munz o/b/o Minor Child (North Yarmouth) v. Town of Cape Elizabeth (Cape Elizabeth)	NRG
E18-0235:	William Lancaster (Portland) v. Southern Maine Community College (South Portland)	NRG
CE18-0306:	Joanna Nganda (New Gloucester) v. Cumberland County Federal Credit Union (Falmouth)	NRG
E19-0011:	Nicole Howard (Clayton, NM) v. UNUM Insurance (Portland)	NRG
E19-0137:	Holly Starbird (Jay) v. AmVets Post 33 (Jay)	NRG
H19-0264:	Laurrel Chute and Nathan Dresser (Norway) v. Tyler Leckner (Ruther Glen, VA)	NRG
H19-0277AB:	Joelle Nzeloka (Portland) v. Princeton Properties (Portland) & PVA Limited Partnership (Lowell, MA)	NRG
H19-0282AB:	Richard Dennison (Portland) v. Federal Mgmt. Co. (Portland) & Codman-Portland Ass'n (Braintree, MA)	NRG
H19-0288:	Francine Ngomba (Auburn) v. Auburn Housing Development Corporation (Auburn)	NRG
H19-0301:	Melanie Ross (Rumford) v. Carol Witas and Cynthia Wardwell (Canton)	NRG

## TABLED

E17-0092\*: Karen Houghton (Center Ossipee, NH) v. Maine Behavioral Healthcare (Portland)