



Maine Human Rights Commission

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COMMISSION MEETING MINUTES

Senator Inn - BOARDROOM

284 Western Ave ~ Augusta, Maine 04330

January 27, 2020

Commission Chair Clark called the meeting to order at 8:30 AM. Present were Commissioners Helberg, Whitworth and Ashby.

AGENDA

Commissioner Helberg moved, seconded by Commissioner Whitworth, 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 Ashby moved, seconded by Commissioner Whitworth, to adopt the December 16, 2019 Commission meeting minutes. 4 in favor | 0 opposed.

ADMINISTRATION

Monthly reports: Executive Director Sneirson reported on Commission activities from December 2019:

- There were no personnel changes to report.
- Compliance:
 - Since the last meeting, there were four unsuccessful conciliations and one successful conciliation. Six reasonable-grounds cases remain in active conciliation.
 - There are three reasonable-grounds cases with conciliation agreements for approval. Commissioner Helberg moved, seconded by Commissioner Whitworth, to approve conciliation agreements in the following cases:
 - E18-0392-A, Gourdouros v Chessie Girl, Inc. d/b/a Merry Maids of Maine;
 - E18-0346, Lambert v Town of Norridgewock; and
 - H18-0466, Kalar v. Maine State Housing Authority.4 in favor | 0 opposed.
 - There are two conciliated cases with agreements that have been fully implemented and which can therefore be dismissed. Commissioner Whitworth moved, seconded by Commissioner Ashby, to dismiss the following cases:
 - ED/PA17-0208-ABC: Martin o/b/o Minor Child v. Poland Regional High School - RSU 16, Cari Medd, and Patrick Flynn; and
 - E18-0121: Lloyd v. City of Caribou.4 in favor | 0 opposed.
- New Charges: 55 new charges filed in December 2019.
- Administrative Dismissals: 5 administrative dismissals in December 2019.

- There were nine predetermination settlements in December 2019 with benefits of \$211,700 to complainants.

Quarterly: Executive Director Sneirson discussed FY2020's second quarter agency performance:

- Training & Education: Commission staff attended/presented at 16 trainings/presentations.
- Financial Report: Presented and placed on file.
- Pending inventory: At the end of the quarter on 12/31/19, the Commission had 744 cases pending, with the average age of cases in the agency at 253 days; cases that are with investigators have been with the agency on average an additional 177 days.

NEW BUSINESS

Executive Director Sneirson reported that:

- The U.S. Department of Housing and Urban Development has re-certified the Commission and MHRA as “substantially equivalent” to HUD and the federal Fair Housing Act to continue partnering with HUD in its Fair Housing Assistance Program.
- The Legislature began its second, shorter session on January 8, 2020. At that time, one Commission bill that had passed (LD 1703) was sitting on the Governor’s desk without action; the bill has since been recalled to the Legislature for amendment and should be addressed shortly. There are other bills related to the MHRA or Commission that are being heard, such as a bill being heard this morning (LD 2018) regarding parking lots for state agencies meeting accessibility requirements, and others that may arise.
- The Governor has appointed a new Commissioner for the seat which Fred Oettinger has continued to hold. Edward David of Farmington will be at a confirmation hearing in early February.
- The Commission has been advised that we should be able to move back to our usual offices at 19 Union Street in Augusta in early May. We are hopeful that we will be able to hold these public Commission meetings in a third floor conference room in that building.

Litigation will be addressed after Executive Session.

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

CASES VOTED ON

E18-0110: Kathryn Whitehead (Old Orchard Beach) v. Longcreek Youth Development Center/Department of Corrections (Augusta). Attorney Paul Boots restated the position of the Complainant. Attorney Kelly Morrell restated the position of the Respondent. Investigator Kit Thomson Crossman reviewed their investigation and recommended decision(s). Commissioner Helberg moved, seconded by Commissioner Ashby, to find there are No Reasonable Grounds to believe that Respondent Long Creek Youth Development Center/Department of Corrections discriminated against Complainant Kathryn Whitehead on the basis of sex, and No Reasonable Grounds to believe that Respondent Long Creek Youth Development Center/Department of Corrections unlawfully retaliated against Kathryn Whitehead for engaging in WPA- and/or MHRA- protected conduct. 4 in favor | 0 opposed.

PA18-0161: Sheila Quimby, Power of Attorney for Daughter (Patten) v. State of Maine Department of Health and Human Services (Augusta). Sheila Quimby restated her position as the Complainant. Attorney Kelly Morrell restated the position of the Respondent. Investigator Jane O’Reilly reviewed her investigation and

recommended decision(s). Commissioner Ashby moved, seconded by Commissioner Whitworth, to find there are No Reasonable Grounds to believe that the State of Maine Department of Health and Human Services discriminated against Sheila Quimby, Power of Attorney for Daughter, on the basis of disability. 4 in favor | 0 opposed.

E18-0436: Scott Davis (Gray) v. Bell Simons (Biddeford). Attorney Adam Lee restated the position of the Complainant. Attorney Richard Paladino restated the position of the Respondent. Investigator Jane O'Reilly reviewed her investigation and recommended decision(s). Commissioner Whitworth moved, seconded by Commissioner Helberg, to find there are No Reasonable Grounds to believe that Bell Simons discriminated against Scott Davis on the basis of sex, religion, and/or disability, and No Reasonable Grounds to believe that Bell Simons retaliated against Scott Davis for engaging in WPA- or MHRA-protected activity. 4 in favor | 0 opposed

E18-0440: Kris Tucker (Standish) v. The Town of Standish (Standish). Attorney Gregg Frame restated the position of the Complainant. Attorney Jonathan Brogan restated the position of the Respondent. Investigator Jane O'Reilly reviewed her investigation and recommended decision(s). Commissioner Helberg moved, seconded by Commissioner Ashby, to find No Reasonable Grounds to believe that The Town of Standish discriminated against Kris Tucker on the basis of disability, and No Reasonable Grounds to believe that The Town of Standish retaliated against Kris Tucker for engaging in WPA- or MHRA-protected activity. 3 in favor | 0 opposed | 1 recused (Whitworth).

E19-0024-AB: Abdi N. Iftin (Yarmouth) v. Gateway Community Services (Portland) and Abdullahi Ali (Westbrook). Complainant did not appear. Commissioner Ashby moved, seconded by Commissioner Whitworth, to find No Reasonable Grounds to believe that Gateway Community Services and/or Abdullahi Ali discriminated against Abdi Iftin on the basis of religion, national origin, ancestry in employment, and No Reasonable Grounds to believe that Abdullahi Ali interfered with Abdi Iftin's rights protected under the MHRA. 4 in favor | 0 opposed.

E19-0170-AB: Tina Worster (Williamsburg Twp) v. Duvaltex, Inc. (Guilford) and Insuperity (Kingwood, TX). Tina Worster restated her position as the Complainant. Attorney Michael Messerschmidt restated the position of Respondent Duvaltex. Attorney Chris Somma restated the position of Respondent Insuperity. Investigator Jane O'Reilly reviewed her investigation and recommended decision(s). Commissioner Whitworth moved, seconded by Commissioner Helberg, to find No Reasonable Grounds to believe that Duvaltex Inc. and/or Insuperity discriminated against Tina Worster on the basis of sex (hostile environment). 4 in favor | 0 opposed.

H19-0324-ABCD: Patricia Lane and Ernesto Duran (South Portland) v. State Manufactured Homes, Inc. (Scarborough), Theresa Desfosses (Scarborough), Tracy Millett (Scarborough), and Tinamarie Smith (Scarborough). Complainants did not appear. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find No Reasonable Grounds to believe that State Manufactured Homes, Inc., Theresa Desfosses, Tracy Millett, and/or Tinamarie Smith discriminated against Patricia Lane and Ernesto Duran on the basis of race/color/national origin. 4 in favor | 0 opposed.

EXECUTIVE SESSION

At 11:35 AM, Commissioner Helberg moved, seconded by Commissioner Ashby, 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 11:52 PM, Commissioner Whitworth moved, seconded by Commissioner Ashby, to come out of executive session. 4 in favor | 0 opposed.

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

- Gourdouros v. Chessie Girl (E18-0392-A);
- Carey v. Avis Budget Group (E18-0313); and
- Westfall v. Dollar General (E19-0017).

4 in favor | 0 opposed.

At approximately 11:53 AM, 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.

PA18-0044:	Timothy Williams (Woonsocket, RI) v. CVS (Biddeford)	NRG
ED/PA18-0181:	Patrick and Kadia Moore o/b/o minor child (Gorham) v. Gorham School District (Gorham)	NRG
E18-0199*:	Linda J. Gastonquay (Freeport) v. Amatoes (Freeport)	RG
H/E19-0308: A, B	Lucky Bistoury (Brunswick) v. Riya Hospitality LLC (Biddeford) and Portland Hospitality Group (Scarborough)	NRG
H19-0314*:	Cheryl M. Miller (Farmington) v. David Dunn (Biddeford)	RG
H19-0333:	Jim Hutchings (Portland) v. Avesta Housing (Portland)	NRG
H19-0352*: A, B	Jarrad Johnson on behalf of Minor Children (Portland) v. Lynne Ryser (Portland) & Pinnacle Home Builders (Windham)	RG

TABLED

E18-0092*:	Gary Crouse on behalf of Dameon Crouse (Augusta) v. Walmart Stores, Inc.; Walmart Stores East L.P.; Walmart Supercenter (Bangor)
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