



## Maine Human Rights Commission

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EXECUTIVE DIRECTOR

**Barbara Archer Hirsch**  
COMMISSION COUNSEL

### COMMISSION MEETING MINUTES

**\*ON ZOOM\***

July 13, 2020

Commissioner Whitworth chaired the meeting, and called the meeting to order at 8:33 AM. Present were Commissioners Ted Helberg, Jeff Ashby, and Ed David.

#### AGENDA

Commissioner Helberg moved, seconded by Commissioner Ashby, 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 moved, seconded by Commissioner , to adopt the June 8, 2020 Commission meeting minutes. 0 in favor | 0 opposed.

#### ADMINISTRATION

Executive Director Sneirson discussed reporting on Commission activities from June 2020:

- Personnel: The Personnel report was presented and placed on file.
- Compliance: Since the last meeting, there were no unsuccessful conciliations and no successful conciliation. Five reasonable-grounds cases remain in active conciliation.
- New Charges: 40 new charges filed in June.
- Administrative Dismissals: 19 administrative dismissals in June.
- There were 16 predetermination settlements in June with benefits of \$505,225 to complainants.

#### NEW BUSINESS

Executive Director Sneirson discussed the following recent developments:

- There is a proposed 2021 Commission meeting schedule, which assists the Commission in planning and scheduling. Commissioner Ashby moved, seconded by Commissioner Whitworth, to adopt the 2021 meeting schedule. 4 in favor | 0 opposed.
- The MHRC moved back to 19 Union Street.
- As of July 1, the Commission can receive, investigate as necessary, and analyze reports of discrimination based on homelessness in Maine. This is a two-year pilot program which will result in annual reporting to the Legislature on the incidence of discrimination based on homelessness.
- It appears that the Legislature may reconvene in August for some period, but it is not known if any of the Commission's budget items, legislative matters, or Commissioner appointments will be taken up during that session. When the Legislature precipitously closed this Spring, the Commission budget

requests that had been approved by the Appropriations Committee were not included in the COVID-19-focused budget signed into law at that time..

- Since the last meeting, the Commission was awarded several grants from one of its federal worksharing partners, the U.S. Department of Housing and Urban Development. HUD initially awarded the Commission two grants focused on outreach (one related to assistance animals and one related to shelters) which may have to be adapted in terms of delivering outreach in COVID-19. After that, the federal CARES Act included specific funding for HUD's fair housing assistance partners; the Commission was awarded funds for technology required to adapt to enforcing fair housing laws during COVID-19, doing outreach about fair housing and COVID-19, and creating a webinar/public service announcement related to fair housing and COVID-19.

Litigation will be addressed after the Executive Session.

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

Commissioner Whitworth moved, seconded by Commissioner Helberg, to table the case of H20-0033-A-D, Carl White (Orono) and Deborah White (Orono) v. Dryden Terrace Property Managers (Bangor), Epstein Properties (Bangor), Cabrel Company (Bangor), and Josh Whalen (Bangor). 4 in favor | 0 opposed.

## CASES VOTED ON

PA18-0172-A-K: Michael Donatelli (Old Orchard Beach) v. Old Orchard Beach Police Department, Scott Jarrett, Dana Kelly, Gerald Hamilton, Anthony Germaine, Christopher Greenwood, Steven Broy, Town of Old Orchard Beach, Rod Belanger, Dan Feeney, and Jami Ladakakas (Old Orchard Beach). Attorney Stanley Tupper and Peter Chien, Jr. restated the position of the Complainant. Attorney Ann Freeman restated the position of the Respondents. Investigator Robert Beauchesne reviewed his investigation and recommended decision(s). Commissioner Helberg moved, seconded by Commissioner Ashby, to find no reasonable grounds to believe that Old Orchard Beach Police Department, Scott Jarrett, Dana Kelley, Gerald Hamilton Anthony Germaine, Christopher Greenwood, Steven Broy, Town of Old Orchard Beach, Rod Belanger, Dan Feeney, oi Jami Ladakakos, discriminated against Michael Donatelli because of his sexual orientation and/or disability. 4 in favor | 0 opposed.

PA18-0173-A-I: Peter Chien, Jr. (Old Orchard Beach) v. Old Orchard Beach Police Department, Scott Jarrett, Dana Kelly, Gerald Hamilton, Anthony Germaine, Steven Broy, Town of Old Orchard Beach, Rod Belanger, and Dan Feeney (Old Orchard Beach). Attorney Stanley Tupper and Complainant Peter Chien restated his position as the Complainant. Attorney Ann Freeman restated the position of the Respondents. Commissioner David moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that Old Orchard Beach Police Department, Scott Jarett, Dana Kelley, Gerald Hamilton, Anthony Germaine, Steven Broy, Town of Old Orchard Beach, Rod Belanger, and/or Dan Feeney discriminated against Peter Chien, Jr., because of his sexual orientation or race. 4 in favor | 0 opposed.

H19-0428-AB\*: Jeffrey Bartos & Miranda Loggans (Auburn) v. Twin Cities Group, LLC & Olga Dolgicer (Auburn). The Respondents were not present. Commissioner Helberg moved, seconded by Commissioner David, to find as follows: there are no reasonable grounds to believe that Twin Cities Group, LLC and Olga Dolgicer discriminated against Jeffrey Bartos and Miranda Loggans based on familial status; there are **reasonable grounds** to believe that Twin Cities Group, LLC and Olga Dolgicer discriminated against Jeffrey Bartos and Miranda Loggans based on their association with individuals based on their disability, by stating

an unlawful preference in housing on the basis of disability; there are **reasonable grounds** to believe that Twin Cities Group, LLC and Olga Dolgicer discriminated against Jeffrey Bartos and Miranda Loggans on the basis of disability (by association) in the terms and conditions of their housing and by making housing unavailable; and there are **reasonable grounds** to believe that Twin Cities Group, LLC and Olga Dolgicer unlawfully threatened, intimidated or interfered with Complainants' MHRA rights. 4 in favor | 0 opposed.

H20-0029-A-E\*: Heather Hobson (North Waldoboro) and Joseph Hobson (North Waldoboro) v. King Real Estate (Old Orchard Beach), Amanda Turner (Lebanon), Tracey Johnston (Sanford), Scarborough Woods, LLC (Old Orchard Beach), and King Weinstein (Old Orchard Beach). Attorney Jeana McCormick restated the positions of Respondents King Real Estate, Scarborough Woods LLC and King Weinstein. Respondent Amanda Turner was not present, nor was Respondent Tracey Johnston. Attorney Jeremy Dean restated the position of the Complainants. Investigator Jane O'Reilly reviewed the investigation and recommended decision(s). Commissioner Helberg moved, seconded by Commissioner Ashby, to find no reasonable grounds to believe that Amanda Turner, Tracy Johnston, King Real Estate, Scarborough Woods, LLC, and/or King Weinstein discriminated against Heather Hobson and/or Joseph Hobson on the basis of familial status, and no reasonable grounds to believe that Amanda Turner discriminated against Heather Hobson and/or Joseph Hobson on the basis of disability. 4 in favor | 0 opposed. Commissioner David moved, seconded by Commissioner Ashby, to find **reasonable grounds** to believe that Tracy Johnston, King Real Estate, Scarborough Woods, LLC, and/or King Weinstein discriminated against Heather Hobson and/or Joseph Hobson on the basis of disability, and conciliation of this charge should be attempted in accordance with 5 M.R.s. § 4612(3). 4 in favor | 0 opposed.

H20-0102-ABC: Joyel Morrill (Freeport) v. Liza Murphy (South Portland), Amy Davis (Pownal), & Preservation Management Inc. (South Portland). Attorney Thomas Douglas restated the position of the Complainant. Geoff Green of Preservation Management restated the position of the Respondents. Investigator Alice Neal reviewed the investigation and recommended decision(s). Commissioner Helberg moved, seconded by Commissioner David, to find no reasonable Grounds to believe that Preservation Management, Inc., LizagMurphy, and Amy Davis discriminated against Joyel Morrill on the basis of disability, familial status, and/or sex in the terms and conditions of her housing, and no reasonable grounds to believe that Preservation Management, Inc., Liza Murphy, and Amy Davis retaliated against Joyel Morrill for asserting her rights under the Maine Human Rights Act. 4 in favor | 0 opposed.

## EXECUTIVE SESSION

At 11:34 AM, Commissioner Helberg moved, seconded by Commissioner David, 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 12:24 PM, Commissioner Whitworth moved, seconded by Commissioner Helberg, to come out of executive session. 4 in favor | 0 opposed.

Commissioner David moved, seconded by Commissioner Whitworth, to approve the settlement agreement in the reasonable-grounds case PA18-0009, Esther O'Brien-Nolin v Vincent Herzog, DO. 4 in favor | 0 opposed.

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

- E18-0092, Rose Hall on behalf of Dameon Crouse v. Walmart Stores, Inc.; Walmart Stores East, L.P.; Walmart Supercenter.
- ED/PA18-0419, Joan Gramer v. Kennebec Valley Community College. 4 in favor | 0 opposed.

At approximately 12:27 PM, the meeting adjourned.

### 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.

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|---------------|--|-----|
| E18-0330      | Chad H. Walker (Billings, MT) v. CPM Constructors (Freeport)   | NRG |
| E19-0037      | Joyce Felton (Augusta) v. State of Maine Department of Financial and Administrative Services (Augusta)   | NRG |
| E19-0082      | Amanda Taylor (Augusta) v. Prompto/EIC/KBros (Westbrook)   | NRG |
| E19-0128      | Nathaniel P. Clark (Windham) v. Connections for Kids (South Portland)  | NRG |
| E19-0192      | Elwood S. McCafferty (Millinocket) v. The Scotts Co. (Marysville, OH)  | NRG |
| E19-0315      | Kimberly Robinson (Harrington) v. Fedcap Rehabilitation Services, Inc. (New York, NY)  | NRG |
| H19-0429-AB   | Cassandra Lindsey (Waterville) v. Twin Cities Group, LLC (Auburn) & Olga Dolgicer (Auburn)   | NRG |
| H20-0040      | Samuel Hall (Portland) v. Avesta (Portland)  | NRG |
| H20-0084-A-E  | Patrick Diongo (Portland) and Gretta Manzumbila (Portland) v. Deborah Lutsh (Scarborough), Maine Properties, LLC (Scarborough), Edith Tarbell (Gorham), John C. Tarbell (Gorham), and JETT, LLC (Portland) | NRG |
| H/E20-0111-AB | Nathan Cowing (Camden) v. Rockland Café (Rockland) and Carla Steeves (Rockland)  | NRG |
| E16-0435AB:   | Carol A. Pinney (Dover-Foxcroft) v. Correct Care Solutions, LLC (Nashville, TN) & State of Maine   | NRG |

### TABLED

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| H20-0033-A-D | Carl White (Orono) and Deborah White (Orono) v. Dryden Terrace Property Managers (Bangor), Epstein Properties (Bangor), Cabrel Company (Bangor), and Josh Whalen (Bangor). |
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