



Maine Human Rights Commission

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COMMISSION MEETING MINUTES

Hosted virtually on Zoom

October 19, 2020

Commissioner Deborah Whitworth called the meeting to order at 8:32 AM. Also present were Commissioners Edward David and Ted Helberg.

AGENDA

Commissioner David, 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). 3 in favor | 0 opposed.

MINUTES

Commissioner Helberg moved, seconded by Commissioner David, to adopt the September 2020 Commission meeting minutes. 3 in favor | 0 opposed.

ADMINISTRATION

Monthly reports: Executive Director Sneirson reported on Commission activities for September 2020:

- Personnel Report: There was no written personnel report provided. One staffer resigned.
- Compliance in reasonable-grounds cases:
 - Since the last meeting, there was one unsuccessful conciliation and another conciliation that was successful. Four reasonable-grounds cases remain in active conciliation.
 - For the successfully-conciliated reasonable-grounds case, Foster v. Community Health (E19-0232), Commissioner David moved, seconded by Commissioner Helberg, to approve conciliation agreement. 3 in favor | 0 opposed.
 - With regard to a prior post-conciliation reasonable-grounds case that was resolved, Markwart-Sapienza v. Drouthy Bear (E18-0132), the Commissioners were presented with a recommendation that the case be dismissed because the Respondent is no longer in business. Commissioner David moved, seconded by Commissioner Helberg, to dismiss the case. 3 in favor | 0 opposed.
- New Cases: 71 new charges filed in September.
- Resolutions: 45 cases closed in September.
- Administrative Dismissals: Five cases were administratively dismissed in September.
- Predetermination settlements: 11 cases resolved in September with benefits of approximately \$295,500 to complainants.
- At the end of September, the Commission had 722 cases pending.
- Litigation will be addressed after the Executive Session.

NEW BUSINESS

Executive Director Sneirson reported that the Maine Legislature would convene for the first, longer session of its biennial term on December 2, 2020. In preparation for that, agency budget proposals are due now, and agency legislative proposals will be due on/around December 2. The Commission will be submitting at least one proposal to pursue the MHRA amendments that were approved in the last Legislative session, returned to the Legislature by the Governor, and left incomplete due to the Legislature's untimely closure due to COVID-19. Any legislative proposals will be discussed with Commissioners.

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

CASES VOTED ON

E19-0014: Ahmed Kareem (Westbrook) v. Uber (San Francisco, CA). The proceedings were interpreted by Aban Zirikly. Ahmed Kareem stated his position as the Complainant and answered Commissioners' questions. Attorney Francesca Lapher stated the position of the Respondent and answered Commissioners' questions. Investigator Jane O'Reilly reviewed her report and recommendations and answered Commissioners' questions. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Uber discriminated against Ahmed Kareem on the basis of religion and/or national origin. 3 in favor | 0 opposed.

At 10:04 the Commission took a 5 minute break.

PA19-0247ABC*: Kevin Myshrall (West Bethel) v. Sue Ellen Richardson (Rumford), Theresa Riley (Rumford), and Rumford Community Home (Rumford). The proceedings were interpreted by Maura Nolin and Mary Mackay. Attorney Elizabeth Olivier stated the position of the Respondent and answered Commissioners' questions. Kevin Myshrall stated his position as the Complainant and answered Commissioners' questions. Investigator O'Reilly reviewed her report and recommendations and answered Commissioners' questions. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find **reasonable grounds** to believe that Rumford Community Home discriminated against Kevin Myshrall on the basis of disability. 2 in favor | 1 opposed (David opposed). Commissioner Helberg moved, seconded by Commissioner David, to find no reasonable grounds to believe that Sue Ellen Richardson and/or Theresa Riley discriminated against Kevin Myshrall on the basis of disability. 3 in favor | 0 opposed.

At 11:20 the Commission took a 5 minute break.

E18-0348: Thomas Mikotowicz (Bangor) v. University of Maine System (Orono). Attorney Phillip Johnson stated the position of the Complainant and answered Commissioners' questions. Attorney David Strock stated the position of the Respondent and answered Commissioners' questions. Investigator Robert Beauchesne reviewed his report and recommendations and answered Commissioners' questions. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that the University of Maine System (Orono) discriminated against Thomas Mikotowicz based on age or sex, and no reasonable grounds to believe that the University of Maine System (Orono) discriminated against Thomas Mikotowicz for engaging in WPA- or MHRA-protected conduct. 3 in favor | 0 opposed.

E/PA19-0116: Candice Casey (Rumford) v. Town of Rumford (Rumford), MaineSole (Dexter), and Rumford Career Center (Rumford). Candice Casey stated her position as the Complainant. Stacy Carter stated the position of Respondent Town of Rumford. Respondents MaineSole and Rumford Career Center were not

present. Investigator Milo Gitchos reviewed his report and recommendations. Commissioner David moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that MaineSole discriminated against Candice Casey in employment based on her disability and no reasonable grounds to believe that the Town of Rumford and/or the Rumford Career Center discriminated against Candice Casey in her access to a place of public accommodation based on her disability. 3 in favor | 0 opposed.

H20-0233A/B/C: Daniel Wall (Berlin, NH) v. Maine Coon Mgmt. (Boston, MA), Juan D. Arrieta (Somerville, MA), and New England Property Rentals (Boston, MA). Complainant Daniel Wall stated his position as the Complainant. Respondents were not present. Investigator Alice Neal reviewed their report and recommendations. Commissioner Helberg moved, seconded by Commissioner David, to find no reasonable grounds to believe that Maine Coon Management, EEC, Juan D. Arrieta, or New England Property Rentals discriminated against Daniel Wall based on his disability, national origin, and/or ancestry when they refused to rent to him. 3 in favor | 0 opposed.

H20-0238*: Alanna Reid (Portland) v. John Cloran (Portland). John Cloran stated his position as the Respondent and answered Commissioners' questions. Alanna Reid stated her position as the Complainant and answered Commissioners' questions. Investigator O'Reilly reviewed her report and recommendations and answered Commissioners' questions. Commissioner David moved, seconded by Commissioner Helberg, to find **reasonable grounds** to believe that John Cloran discriminated against Alanna Reid on the basis of disability (denial of an assistance animal). 3 in favor | 0 opposed.

PA19-0139*: Lynda Hadsell (Belgrade) v. Ming Lee Chinese Restaurant (Waterville). Attorney Mariah Gleaton stated the position of the Respondent and answered Commissioners' questions. Complainant was not present. Investigator Gitchos reviewed his report and recommendations and answered Commissioners' questions. Commissioner Helberg moved, seconded by Commissioner David, to find no reasonable grounds to believe that Ming Lee Chinese Restaurant discriminated against Lynda Hadsell on the basis of disability by denying her the use of her service animal. 3 in favor | 0 opposed.

EXECUTIVE SESSION

At 1:44 PM, Commissioner Whitworth moved, seconded by Commissioner Helberg, 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 2:00 PM, Commissioner Helberg moved, seconded by Commissioner David, to come out of executive session. 3 in favor | 0 opposed.

Commissioner Helberg moved, seconded by Commissioner David, for the Commission to do the following:

- To not litigate the reasonable-grounds case of Hodgkins v. Lambert (E18-0431-B), which was not successfully conciliated; and
- To authorize Commission Counsel to settle the case of Maine Human Rights Commission v. Michael Desjardins and 135 Portland Street, LLC (H18-0064-A/B), which was filed in a court action after unsuccessful conciliation; and
- To authorize Commission Counsel to settle the case of Maine Human Rights Commission v. Victoria Lee and Caincrest, LLC (H18-0308-A/B), which was filed in a court action after unsuccessful conciliation.

At approximately 2:02 PM, the meeting adjourned.

CONSENT AGENDA LISTED ON NEXT PAGE

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.

E18-0353-C	Dr. Khusro Kidwai (Milford) v. University of Maine (Orono)	NRG
E19-0099	Joseph Kirkbride (Windham) v Tube Hollows International (Windham)	NRG
E19-0218*	Anthony Nadeau (Auburn) v. Sign Design (Westbrook)	RG
E19-0424*	Ricky Ho (Gorham) v. Charlie's Philly Steakery (South Portland)	RG
ED/PA19-0291	Student/Gahr and Gahr (Stratham, NH) v. Gould Academy (Bethel)	NRG
H20-0262*	Stephanie Wigginton (Biddeford) v. Alice Motes (Cornish)	RG
ED/PA19-0076	Amy Cormier (Wells) v. University of New England (Portland)	NRG
E19-0221	Carey Nason (Millinocket) v. Daniel Nelson DBA Northern Maine Distributors (Millinocket)	NRG
E19-0108	Melissa Nason (Auburn) v. Prime Group Holdings (Saratoga Springs, NY)	NRG