



Maine Human Rights Commission

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COMMISSION MEETING MINUTES - ZOOM -

January 11, 2021

Commissioner Whitworth chaired the meeting and called it to order at 8:30 AM. Also present were Commissioners Ashby and David.

AGENDA

Before review of the agendas for approval, Executive Director Sneirson presented the Complainant's request to withdraw her complaint in E19-0019, on the Hearing Agenda. Commissioner David moved, seconded by Commissioner Ashby, to deny Complainant's request to withdraw her complaint in E19-0019. 3 in favor | 0 opposed.

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

ADMINISTRATION

Monthly reports: Executive Director Sneirson discussed reporting on the following Commission activities:

- Personnel: No personnel changes to report.
- Compliance: Since the last meeting, there are nine reasonable-grounds cases in active conciliation, and there has been one unsuccessful conciliation and no successful conciliations..
- New Charges: 26 new complaints filed in December 2020,.
- Administrative Dismissals: 12 administrative dismissals issued in December, 2020.
- There were 14 predetermination settlement agreements totaling \$460,000 in benefits to complainants.

Quarterly reports:

- Training & Education: Commission staff attended/participated in 16 training or education sessions from July through September.
- Financial Reports: Presented and placed on file.
- Pending Inventory: 669 cases pending at the end of December 2020.

NEW BUSINESS

Legislative Updates:

The Legislative session has begun, and the Commission will conduct its routine introduction to the Judiciary Committee (our committee of reference) later this month. The Governor's Biennial Budget proposal has been introduced, and does not propose personnel cuts for the Commission.

The Commission continues work on several HUD partnership grants, with one recently completed. The two still underway include one for education and outreach to shelters and transitional housing, and one related to COVID-19 and the MHRA that was issued pursuant to the federal CARES Act.

At 8:46 AM Commissioner Whitworth began the case hearing agenda.

CASES VOTED ON

The following case was taken out of order:

H20-0372ABCD: Heidi Theberge (Lewiston) v. Lewiston Housing Authority (Lewiston), Carla Harris (Lewiston), Christopher Kilmurry (Lewiston), and Travis Heynen (Lewiston). When the case was called, Complainant was not present. Commissioner Ahsby moved, seconded by Commissioner David, to find no reasonable grounds to believe that Lewiston Housing Authority, Carla Haris, Criss Kilmurry, and/or Travis discriminated against Heidi Theberge on the basis of disability by denying a reasonable accommodation request; and no reasonable grounds to believe that Lewiston Housing Authority, Carla Haris, Criss Kilmurry, and/or Travis retaliated against Heidi Theberge for asserting her rights under the Maine Human Rights Act. 3 in favor | 0 opposed. *The Complainant appeared and reported technical difficulties getting into the meeting, and requested an opportunity to present to the Commissioners.* Commissioner Ashby moved, seconded by Commissioner David, moved to reconsider their earlier votes so that Complainant could present. 3 in favor | 0 opposed. Heidi Theberge restated her position as the Complainant. Attorney Matthew LaMourie restated the position of the Respondents. Investigator Alice Neal reviewed their report and recommendations. Commissioner David moved, seconded by Commissioner Ashby, to find no reasonable grounds to believe that Lewiston Housing Authority, Carla Haris, Criss Kilmurry, and/or Travis discriminated against Heidi Theberge on the basis of disability by denying a reasonable accommodation request; and no reasonable grounds to believe that Lewiston Housing Authority, Carla Haris, Criss Kilmurry, and/or Travis retaliated against Heidi Theberge for asserting her rights under the Maine Human Rights Act. 3 in favor | 0 opposed.

E19-0019*: Ann Varney (Turner) v. Planet Fitness (Auburn). Attorney Jeremy Walker restated the position of the Respondent. Complainant was not present. Investigator Robert Beauchesne reviewed his report and recommendations. Commissioner David moved, seconded by Commissioner Ashby, to find **reasonable grounds** to believe that Planet Fitness discriminated against Ann Varney on the basis of age. 3 in favor | 0 opposed.

E19-0149*: Autumn Dinsmore (Thomaston) v. State of Maine, Department of Corrections, Maine State Prison (Augusta). Attorney Kelly Morrell restated the position of the Respondent. Attorney Shelby Leighton restated the position of the Complainant. Investigator Kit Thomson Crossman reviewed their report and recommendations. Commissioner Ashby moved, seconded by Commissioner David, to find no reasonable grounds to believe that the State of Maine, Department of Corrections, Maine State Prison discriminated against Autumn Dinsmore on the basis of sexual orientation and/or disability. 3 in favor | 0 opposed. Commissioner Ashby moved to find no reasonable grounds to believe that the State of Maine, Department of Corrections, Maine State Prison discriminated against Autumn Dinsmore on the basis of sex (disparate treatment and hostile work environment); the motion was not seconded, and failed. Commissioner David moved, seconded by Commissioner Whitworth, to find **reasonable grounds** to believe that the State of Maine, Department of Corrections, Maine State Prison discriminated against Autumn Dinsmore on the basis of sex (disparate treatment and hostile work environment). 2 in favor | 1 opposed (Ashby opposed).

E19-0172*: John Sorensen (West Bath) v. Shaw's Supermarket 0628 (Brunswick) Attorney Alton Harmon restated the position of the Respondent. Attorney Kristin Aiello restated the position of the Complainant. Investigator Alex Brindley reviewed her report and recommendations. Commissioner Ashby moved, seconded by Commissioner Whitworth, to find **reasonable grounds** to believe that Shaw's Supermarket 0628 discriminated against John Sorensen on the basis of disability, 2 in favor | 1 opposed (David opposed).

E19-0185: Stephen Hathorne (New Gloucester) v. Italian Heritage Center (Portland). Stephen Hathorne restated his position as the Complainant. The Respondent was not present. Investigator Brindley reviewed her report and recommendations. Commissioner Ashby moved, seconded by Commissioner David, to find no reasonable grounds to believe that Italian Heritage Center discriminated against Stephen Hathorne on the basis of sex and sexual orientation or retaliated against him for engaging in MHRA- and/or WPA-protected activity. 2 in favor | 1 recused (Whitworth) | 0 opposed.

E19-0355*: Jenna Shaw (Portland) v. Center for Diagnostic Imaging d/b/a Insights Imaging (Minneapolis, MN) . Attorney Nick Eugster restated the position of the Respondent. Attorney Chad Hansen restated the position of the Complainant. Investigator Milo Gitchos reviewed his report and recommendations. Commissioner David moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Center for Diagnostic Imaging DBA Insights Imaging discriminated against Jenna Shaw based on sex, and **reasonable grounds** to believe that Center for Diagnostic Imaging DBA Insights Imaging retaliated against her. 2 in favor | 1 recused (Ashby) | 0 opposed.

E19-0415: James Williams (Poland) v. First Vehicle Service (Cincinnati, OH). James Williams restated his position as the Complainant. The Respondent was not present. Investigator Gitchos reviewed his report and recommendations. Commissioner David moved, seconded by Commissioner Ashby, to find no reasonable grounds to believe that First Vehicle Service retaliated against James Williams for engaging in WPA- and/or MFIRA-protected conduct. 3 in favor | 0 opposed.

E19-0470*: Dr. Ann Marie Lemire (Portland) v. Armor Correctional Health Services, Inc. (Miami, FL). Attorney Laura Rideout restated the position of the Respondent. Attorney Paul Boots restated the position of the Complainant. Investigator Thomson Crossman reviewed their report and recommendations. Commissioner David moved, seconded by Commissioner Ashby, to find **reasonable grounds** to believe that Armor Correctional Health Services, Inc. retaliated against Dr. Ann Lemire for engaging in WPA-protected activity. 3 in favor | 0 opposed.

E19-0498: John Walton (Oxford) v. Oxford Casino (Oxford). John Walton restated his position as the Complainant. Attorney Robert Bower restated the position of the Respondent. Investigator Jane O'Reilly reviewed her report and recommendations. Commissioner Ashby moved, seconded by Commissioner David, to find no reasonable grounds to believe that Oxford Casino discriminated against John Walton on the basis of age and/or sex, and no reasonable grounds to believe that Oxford Casino retaliated against John Walton for engaging in MHRA-protected activity. 3 in favor | 0 opposed.

H20-0342: Angela Verge, whose guardian is Diane Sanoski (Brunswick) v. Horizons Living and Rehab Center (Brunswick). Attorney Peter Rice restated the position of the Complainant. Attorney Adam Taylor restated the position of the Respondent. Investigator Brindley reviewed her report and recommendations. Commissioner David moved, seconded by Commissioner Ashby, to find no reasonable grounds to believe that Horizons Living & Rehab Center discriminated against Angela Verge whose guardian is Diane Sanoski on the basis of disability. 3 in favor | 0 opposed.

H20-0373*: Seth Adams (Lisbon) v. Deborah Libby (Brunswick) Deborah Libby restated her position as the Respondent. Attorney Patricia Ender restated the position of the Complainant. Investigator Brindley reviewed her report and recommendations. Commissioner Ashby moved, seconded by Commissioner David, to find **reasonable grounds** to believe that Deborah Libby retaliated against Seth Adams for engaging in MHRA protected activity. 3 in favor | 0 opposed.

EXECUTIVE SESSION

At 1:26 PM, Commissioner Ashby 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). 3 in favor | 0 opposed.

At approximately 1:35 PM, Commissioner David moved, seconded by Commissioner Whitworth, to come out of Executive Session. 3 in favor | 0 opposed.

Commissioner Ashby moved, seconded by Commissioner Whitworth, to not litigate *Gregory Pomerleau v Global Energy Solutions, Inc. and Kevin Pomerleau* (E18-0411A/B), a reasonable-grounds case in which conciliation was not successful. 3 in favor | 0 opposed.

At approximately 1:38 PM the meeting was 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.

E19-0437:	Wayne Blanchard (Gorham) v. Pat's Pizza (Yarmouth)	NRG
E20-0175:	Vicki Page (Limestone) v. Town of Limestone (Limestone)	NRG
H20-0340-A/C*	Whitney Tummings and Bryan Tummings (South Burlington, VT) v. Joe Russo and Karen Russo (Lunenburg, MA)	NRG/ RG
H20-0355	Ann M. Bulley (Saco) v. Caleb Housing Corporation (Saco)	NRG
H/PA20-0330-A-F	Gary Manuel (Bangor) v. Bangor Area Homeless Shelter (Bangor), City of Bangor (Bangor), State of Maine (Augusta), Penobscot Properties (Bangor), Waterworks Development (Bangor), and The Bangor House (Bangor)	NRG
PA19-0405*	Stacy L. Lizotte (Bangor) v. Hannaford Broadway	RG