



# Maine Human Rights Commission

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## COMMISSION MEETING MINUTES - ZOOM -

**February 8, 2021**

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

### AGENDA

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 3). 3 in favor | 0 opposed.

### MINUTES

Commissioner Ashby moved, seconded by Commissioner David, to adopt the January 2021 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 eight reasonable-grounds cases in active conciliation, and there have been three unsuccessful conciliation and two successful conciliations.
  - Commissioner David moved, seconded by Commissioner Ashby, to approve the conciliation agreement in H20-0262, Wigginton vs. Motes. 3 in favor | 0 opposed.
  - Commissioner David moved, seconded by Commissioner Ashby, to approve the conciliation agreement in H20-0263AB, Jaynes v. Parkhurst and Parkhurst/Downtown LLC. 3 in favor | 0 opposed.
- New Charges: 20 new complaints filed in January 2021.
- Administrative Dismissals: 9 administrative dismissals issued in January 2021.
- There were 2 predetermination settlement agreements totaling \$25,000 in benefits to complainants.

### NEW BUSINESS

Legislative Updates: The Legislative session has begun, and the Commission conducted its routine introduction to the Judiciary Committee (our committee of reference) this month, including a brief review of the MHRC's FY21 Emergency Supplemental budget proposal. In the proposal, the Commission's only Emergency Supplemental initiative was a general fund budget reduction resulting from a statewide curtailment order by the Governor as required to balance the FY21 state budget. The Governor's Biennial Budget proposal has been introduced, and does not propose personnel cuts for the Commission. The MHRC also filed its annual quasi-independent agency report with the Legislature. The Governor is recommending the appointment of Jill Duson as Commissioner to fill one of the two vacant Commissioner seats; the Judiciary Committee confirmation hearing is on February 9.

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

## CASES VOTED ON

E18-0499AB\*: William Mann (Portland) v. City of Saco and Kevin Sutherland (Saco). Attorney Linda McGill restated the position of the Respondent. Attorney David Webbert restated the position of the Complainant. Investigator Alice Neal reviewed their report and recommendations. Commissioner Ashby moved, seconded by Commissioner David, to find no reasonable grounds to believe that Kevin Sutherland discriminated against William Mann on the basis of his age and/or sex. 3 in favor | 0 opposed. Commissioner Ashby moved, seconded by Commissioner Whitworth, to find there are **reasonable grounds** to believe that the City of Saco discriminated against William Mann on the basis of his age and/or sex. 3 in favor | 0 opposed.

At 9:34 Commissioner Whitworth called for a 5 minute recess.

E19-0200A\*: Lon Cyr (Caribou) v. City of Caribou (Caribou). Attorney Frederick Costlow restated the position of the Respondent. Attorney Erik Black restated the position of the Complainant. Investigator Jane O'Reilly reviewed her report and recommendations. Commissioner David moved, seconded by Commissioner Whitworth, to find **reasonable grounds** that the City of Caribou discriminated against Lon Cyr on the basis of disability by denying his request for reasonable accommodations, and **reasonable grounds** to believe that the City of Caribou discriminated against Lon Cyr on the basis of disability by imposing discriminatory terms and conditions and by discharging him. 3 in favor | 0 opposed.

E19-0200BC\*: Lon Cyr (Caribou) v. International Association of Fire Fighters (Washington, DC) and Professional Fire Fighters of Maine (Kittery). Attorney John Chapman restated the position of Respondent Professional Fire Fighters of Maine Erik Black restated the position of the Complainant. Investigator Jane O'Reilly reviewed her report and recommendations. Commissioner Ashby moved, seconded by Commissioner David, to find no reasonable grounds to believe that International Association of Fire Fighters discriminated against Complainant on the basis of disability and **reasonable grounds** to believe that Professional Fire Fighters of Maine discriminated against complainant on the basis of disability. 3 in favor | 0 opposed.

E20-0018: Calvin Lewis (Oakland) v. T-Mobile USA, Inc. (Bellevue, WA). Calvin Lewis restated his position as the Complainant. Attorney Tawny Alvarez restated the position of the Respondent. Investigator Alex Brindley reviewed her report and recommendations. Commissioner David moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that T-Mobile USA, Inc. discriminated against Calvin Lewis on the basis of disability by denying him a reasonable accommodation, and no reasonable grounds to believe that T-Mobile USA, Inc. discriminated against Calvin Lewis on the basis of disability, age, and/or race/color in the terms and conditions of his employment or by discharging him, and no reasonable grounds to believe that T-Mobile USA, Inc. retaliated against Calvin Lewis for engaging in MHRA- and/or WPA-protected activity. 3 in favor | 0 opposed.

H20-0399\*: Bonnie Guerette (Portland) v. Robert Larkin (Portland). Attorney Andrews Campbell restated the position of the Respondent. Attorney Patricia Ender restated the position of the Complainant. Investigator Alice Neal reviewed their report and recommendations. Commissioner Ashby moved, seconded by Commissioner David, to find **reasonable grounds** to believe that Robert Larkin discriminated against Bonnie Guerette on the basis of sex when he treated her differently in the terms and conditions of her housing (subjecting her to a hostile environment and making housing unavailable), and **reasonable grounds** to believe that Robert Larkin retaliated against Bonnie Guerette for asserting her rights under the Maine Human Rights Act. 3 in favor | 0 opposed.

## EXECUTIVE SESSION

At 12:10 PM, Commissioner Whitworth 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 12:21 PM, Commissioner Ashby moved, seconded by Commissioner David, to come out of Executive Session. 3 in favor | 0 opposed.

Commissioner David moved, seconded by Commissioner Ashby, to **not** litigate the following reasonable-grounds cases in which conciliations were not successful:

- E19-0218, Anthony Nadeau v. Sign Design;
- H20-0283, Alanna Reid v John Cloran; and
- PA19-0247C, Myshrall v. Rumford Community Home.

3 in favor | 0 opposed

At approximately 12:23 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.

E19-0208:	Samuel Casale (Yamouth)v. Ecolab/Nalco Water (Naperville, IL)	NRG
E/PA19-0134ABC:	Raymond Porelle (Wells) v. Dr. Katie Hawes, Superintendent (Kennebunk); Ms. Emily Kahn, Schoolboard Chair (Kennebunk); and Regional School Unit #121 (Kennebunk)	NRG
H20-0390AB*:	Richelle Felix (Yarmouth) v. Randy S. Webb (Waterville) and Shanna A. Friend (Waterville)	<b>RG/</b> NRG
H20-0393AB :	John Griffin (Augusta) v. Greentree Associates II, LP (Boston, MA) and Weston Associates Management Company, Inc. (Portland)	NRG
H20-0471AB:	eKatrina Jaynes (Hallowell) v. Richard Parkhurst (Readfield) and Janet Parkhurst (Readfield)	NRG