



Maine Human Rights Commission

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Amy M. Sneirson
EXECUTIVE DIRECTOR

Barbara Archer Hirsch
COMMISSION COUNSEL

COMMISSION MEETING MINUTES September 19, 2022 MEETING

via ZOOM

Commissioner Jeff Ashby chaired the meeting and called it to order at 8:30 AM. Also present were Commissioners Edward David and Julie O'Brien.

AGENDA

Commissioner David moved, seconded by Commissioner O'Brien, to adopt the Agenda as amended and Consent Agenda 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 O'Brien, to adopt the August 15, 2022 Commission Meeting Minutes. 3 in favor | 0 opposed.

ADMINISTRATION

Executive Director Amy Sneirson reported on the following Commission activities:

Monthly reports:

- Personnel: Nothing to report.
- Compliance: Since the last meeting, there were no successful or unsuccessful conciliations of reasonable-grounds cases; four reasonable-grounds cases remain in active conciliation.
- New Charges: 29 new complaints filed in August 2022.
- Administrative Dismissals: 11 administrative dismissals in August 2022
- Pre-determination resolutions/settlements: six with benefits to complainants of \$80,250

NEW BUSINESS:

ED Sneirson noted that the Commission submitted our agency's proposed initiatives for the upcoming biennial budget (2024-2025), and should be meeting with the administration to discuss this in the coming months.

ED Sneirson also noted that she and Lead Investigator Jane O'Reilly attended an EEOC conference, and that Commission Counsel Barbara Archer Hirsch attended an IAOHRA conference.

ED Sneirson further reported that Governor Mills had nominated two people to serve as MHRC Commissioners: Mark Walker of Hallowell and Thomas Douglas of Cumberland. The Judiciary Committee held hearings on both nominations last week, and in both cases voted unanimously to approve the nominations. C.C. Archer Hirsch noted that a special Senate session to confirm nominations will occur tomorrow.

The Commission completed the business portion of the agenda at approximately 8:37 AM.

EXECUTIVE SESSION

At approximately 8:38 AM, Commissioner David moved, seconded by Commissioner O'Brien, 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 8:43 AM, Commissioner Ashby moved, seconded by Commissioner David, to come out of Executive Session. 3 in favor | 0 opposed.

LITIGATION

With regard to reasonable-grounds cases that did not resolve via conciliation, Commissioner Ashby moved, seconded Commissioner David, to not litigate *Letterlough v. Weight Watchers* (E20-0157) or *Landry v. Town of Scarborough* (E20-0242). 3 in favor | 0 opposed.

With regard to pending litigation, Commissioner David moved, seconded Commissioner Ashby, to approve settlement of *Champagne v. Walmart* (E19-0260) and to authorize ED Amy Sneirson and/or CC Archer Hirsch to execute the settlement agreement. 3 in favor | 0 opposed.

At 8:46 AM Commissioner Ashby began the Hearing Agenda.

HEARING AGENDA - MORNING SESSION

E20-0368: Carla Williams (Westbrook) v. SERVPRO Portland/South Portland (Gorham). Attorney Riley Fenner appeared on behalf of Complainant to state that the parties reached an agreement so Complainant was no longer contesting the recommended findings; Attorney Mark Franco appeared on behalf of Respondent. Commissioner David moved, seconded by Commissioner O'Brien, to find that there are no reasonable grounds to believe that SERVPRO (Portland/South Portland) discriminated against Carla Williams on the basis of disability (discharge and denial of reasonable accommodation) and the claim should be dismissed, and no reasonable grounds to believe that SERVPRO (Portland/South Portland) retaliated against Carla Williams for engaging in MHRA-protected conduct and/or for filing a workers' compensation claim against her previous employer, and the claim should be dismissed. 3 in favor | 0 opposed.

E20-0369*: ThucAnh Multerer (Waunakee, WI) v. Northern Lights EMMC (Bangor). Attorney Megan Randlett restated the position of the Respondent. Complainant did not appear. Investigator Heather Leavitt-Soni reviewed her report and recommendations. Commissioner David moved, seconded by Commissioner O'Brien, to find no reasonable grounds to believe that Northern Lights Eastern Maine Medical Center retaliated against Dr. ThucAnh Multerer for engaging in MHRA-protected activity and the claim should be dismissed. 3 in favor | 0 opposed. Commissioner O'Brien moved, seconded by Commissioner David, to find no reasonable grounds to believe that Northern Lights/EMMC retaliated against Dr. ThucAnh Multerer for engaging in WPA-protected activity and the claim should be dismissed. 3 in favor | 0 opposed.

E20-0410*: Corinna Cole (Lebanon) v. Charles Russell (Lebanon): Charles Russell restated his position as the Respondent. Corinna Cole restated her position as the Complainant. Investigator Alex Brindley reviewed their report and recommendations. Commissioner David moved, seconded by Commissioner Ashby, to find that there are no reasonable grounds to believe that Charles Russell discriminated against Corinna Cole on the basis of sex and this claim should be dismissed, and there are **reasonable grounds** to believe that Charles Russell retaliated against Corinna Cole for engaging in MHRA-protected activity and the claim should be conciliated. 3 in favor | 0 opposed.

E20-0437: Taras Dijak (Monmouth) v. MDOL/Bureau of Labor Standards (Augusta). Taras Dijak restated his position as the Complainant. Assistant Attorney General Jeremy Carter restated the position of the Respondent. Investigator Alex Brindley reviewed their report and recommendations. Commissioner David moved, seconded by Commissioner

O'Brien, to find that there are no reasonable grounds to believe that the State of Maine Department of Labor, Bureau of Labor Standards retaliated against Taras Dijak for engaging in WPA-protected activity and the claim should be dismissed. 3 in favor | 0 opposed.

E20-0443: Kevin Benoit (Bridgton) v. Hannaford (Bridgton). Complainant did not appear. Commissioner David moved, seconded by Commissioner O'Brien, to find that there are no reasonable grounds to believe that Hannaford discriminated against Kevin Benoit on the basis of a disability (denial of a reasonable accommodation) and the claim should be dismissed. 3 in favor | 0 opposed.

Hearing was completed on all Hearing Agenda Morning Session cases at 10:50 AM.
The Commission recessed until the start of the afternoon session.

At 12:30 PM, Commissioner Ashby began the Hearing Agenda's Afternoon Session.

HEARING AGENDA - AFTERNOON SESSION

E20-0464*: Ariel Bois (Hermon) v. Walgreens (Skowhegan). Attorney David Metz restated the position of Respondent. Attorney Erik Black restated the position of Complainant. Investigator Courtney Burne reviewed her report and recommendations. Commissioner David moved, seconded by Commissioner O'Brien, to find that there are **reasonable grounds** to believe that Respondent Walgreens discriminated against Ariel Bois on the basis of sex and the claim should be conciliated. 3 in favor | 0 opposed.

E20-0473: Verle Harris (Waterville) v. Wal-Mart/Sam's Club (Waterville). Verle Harris restated his position as the Complainant. Attorney Timothy Powell restated the position of Respondent. Investigator Robert Beauchesne reviewed his report and recommendations. Commissioner Ashby moved, seconded by Commissioner David, to find that there are no reasonable grounds to believe that Wal-Mart/Sam's Club discriminated against Verle Harris on the basis of race and/or color and the claims should be dismissed. 3 in favor | 0 opposed.

H/PA22-0074: Roger Miller (Bangor) v. Jeff Wallace (Bangor). Complainant did not appear. Commissioner David moved, seconded by Commissioner O'Brien, to find that there are no reasonable grounds to believe that Jeff Wallace discriminated against Roger Miller on the basis of disability or sexual orientation and the claims should be dismissed, and no reasonable grounds to believe that Jeff Wallace retaliated against Roger Miller for exercising his MHRA-protected rights and the claims should be dismissed. 3 in favor | 0 opposed.

H22-0114AB*: Shameem Fakory v. Wendy Lebel (Scarborough) & Burnham Brookside, LLC (Scarborough). Attorney Alyssa Tibbetts restated the position of Respondents. Complainant Shameem Fakory, though present, made no statement. Deputy Commission Counsel Kit Thomson Crossman reviewed their report and recommendations (made as an Investigator). Commissioner David moved, seconded by Commissioner Ashby, to find there are **reasonable grounds** to believe that Wendy Lebel and Burnham Brookside, LLC, discriminated against Shameem Fakory on the basis of disability and the case should be conciliated. 3 in favor | 0 opposed.

EXECUTIVE SESSION

At approximately 2:35 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 2:40 PM, Commissioner Ashby moved, seconded by Commissioner David, to come out of Executive Session. 3 in favor | 0 opposed.

At approximately 2:40 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.

E20-0334	Michael McWilliams (Boston, MA) v. Town of Rumford (Rumford)	NRG
E20-0376	Steven Trott (Lewiston) v. Woodford's Club (Portland)	NRG
E20-0388	Crystal Harting (Wilton) v. Happy Haven (Auburn)	NRG
PA20-0394AB	Richard Wormwood (Lynn, MA) v. Augusta Police Department (Augusta) and Office of the Attorney General (Augusta)	NRG
E20-0432	Robert Luhmann (Brewer) v. Wal-Mart (Bangor)	NRG
E20-0434	Marc Montminy (Standish) v. Maine Department of Corrections (Augusta)	NRG
E20-0462	Kaitlyn Thurlow (Scarborough) v. City of South Portland (South Portland)	NRG
E20-0522	Eli Brown (Milbridge) v. Gouldsboro Police Department (Gouldsboro)	NRG
E21-0115	Mark Sanborn (Springvale) v. United Parcel Service (Wells)	NRG
H22-0110ABC	Rabindranath Banerjee (Bangor) v. Bob Chandler (Bangor), Mike Grover (Bangor) & St. Xavier's Home (Augusta)	NRG

TABLED

E20-0525*	Shannon Mason-Gaworski (Lisbon Falls) v Food City (Lisbon Falls)
E21-0041*	David Warren (Freeport) v. Wayfair Maine, LLC (Brunswick)
PA21-0236*	Bertier Ouellette (Waterville) v. Trinity Evan. Free Church & Homeless Shelter (Skowhegan)

**Indicates a case in which a "reasonable grounds" finding is or was recommended.*