



# Maine Human Rights Commission

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EXECUTIVE DIRECTOR

**Barbara Archer Hirsch**  
COMMISSION COUNSEL

## COMMISSION MEETING MINUTES November 7, 2022 MEETING

*\*In person and via ZOOM\**

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

### AGENDA

Executive Director Sneirson presented Complainant's request to withdraw in a case on today's Consent Agenda, Main v. Saco Falls Management and Szanton Company (#H22-0120-AB). Commissioner David moved, seconded by Commissioner O'Brien, to deny the request to withdraw the case. 3 in favor | 0 opposed | 1 abstained (Walker).

Commissioner O'Brien moved, seconded by Commissioner David, 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). 4 in favor | 0 opposed.

### MINUTES

Commissioner David moved, seconded by Commissioner O'Brien, to adopt the September 19, 2022 Commission Meeting Minutes. 4 in favor | 0 opposed.

### ADMINISTRATION

ED Sneirson reported on the following Commission activities:

#### Monthly reports:

- Personnel: The report was presented and placed on file.
- Compliance: Since the last meeting, there was one successful conciliation and one unsuccessful conciliation of reasonable-grounds cases; five reasonable-grounds cases remain in active conciliation.
  - Commissioner David moved, seconded by Commissioner O'Brien, to approve the conciliation agreement in Grant v Brown Bag Meeting Sahara Club (#PA20-0325). 3 in favor | 0 opposed | 1 abstained (Walker).
- New Charges:
  - In September 2022, 44 new complaints filed.
  - In October 2022, 39 new complaints filed.
- Administrative Dismissals:
  - In September 2022, 8 cases administratively dismissed.
  - In October 2022, 19 cases administratively dismissed.
- Pre-determination resolutions/settlements:
  - In September 2022, 17 cases settled or withdrawn with benefits, and \$501,000 to complainants.
  - In October 2022, 27 cases settled or withdrawn with benefits, and \$590,000 to complainants.

#### Quarterly reports:

- Pending Inventory Report: 660 Cases Pending as of 11/1/22.
- Finance Report: Presented and placed on file.
- Training & Education Report: Commission staff attended and/or participated in 13 training/education sessions during the period.

## **NEW BUSINESS:**

ED Sneirson noted that the Commission submitted our agency's proposed FY2024-2025 biennial budget initiatives to the Department of Administrative and Financial Affairs's Bureau of the Budget for consideration by the Office of the Governor and her administration.

The Commission completed the business portion of the Agenda at approximately 8:46 AM.

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

## **HEARING AGENDA**

E20-0402: Daniel Darling (Portland) v. Uber Technologies, Inc. (Boston, MA). Attorney Bruce Helper restated the position of the Complainant, who was present. Attorney Ellen Lemire restated the position of the Respondent. Investigator Robert Beauchesne reviewed his report and recommendations. Commissioner David moved, seconded by Commissioner Ashby, to find no reasonable grounds to believe that Uber Technologies, Inc., retaliated against Daniel Darling for engaging in WPA-protected activity and the complaint should be dismissed. 3 in favor | 0 opposed | 1 abstained (Walker).

E20-0447: Zachary Maher (Poland) v. Town of Mechanic Falls (Mechanic Falls). Attorney Adam Lee restated the position of the Complainant. Attorney Stephen Langsdorf restated the position of the Respondent, whose Town Manager was present. Investigator Robert Beauchesne reviewed his report and recommendations. Commissioner David moved, seconded by Commissioner O'Brien, to find no reasonable grounds to believe that the Town of Mechanic Falls unlawfully retaliated against Zachary Maher for engaging in MHRA-protected activity and the complaint should be dismissed. 3 in favor | 0 opposed | 1 abstained (Walker).

ED/PA20-0470\*: Ann Casavant (Woolwich) v. University of Maine System (Gorham). Attorney Deirdre Salsich restated the position of the Respondent, whose Director of Risk Management was present. Susan Casavant, Complainant's mother, restated Complainant's position. Investigator Courtney Burne reviewed her report and recommendations. Commissioner David moved to find that there are reasonable grounds to believe that the University of Maine System discriminated against Ann Casavant on the basis of sex and sexual orientation or gender identity; the motion was not seconded, and failed. Commissioner Ashby moved, seconded by Commissioner O'Brien, to find no reasonable grounds to believe that the University of Maine System discriminated Ann Casavant on the basis of sex and sexual orientation or gender identity, and the complaint should be dismissed. 2 in favor | 1 opposed (David) | 1 abstained (Walker).

Commissioner Thomas Douglas joined the meeting.

H22-0176/AB: Paula Joy (Topsham) v. Timberline Lodges Condo Association (Cumberland Foreside) & Mountain Valley Property (Carrabassett Valley). Attorney Cecilia Guecia restated the position of the Complainant. Attorney Paige Eggleston restated the position of Respondents. Investigator Angela Morse reviewed her report and recommendations. Commissioner David moved, seconded by Commissioner O'Brien, to find no reasonable grounds to believe that either Timberline Lodges Condo Association or Mountain Valley Properties discriminated against Paula Joy on the basis of disability, and the complaint should be dismissed. 3 in favor | 0 opposed | 1 abstained (Walker).

H22-0187\*: Shama Maiwan (Auburn) v. Adam Nailor (Auburn). Attorney Brad Pattershall restated the position of Respondent. Complainant was not present. Investigator Alex Brindley reviewed her report and recommendations. Commissioner Ashby moved, seconded by Commissioner O'Brien, to find no reasonable grounds to believe that Adam Nailor discriminated against Shama Maiwan on the basis of race and/or receipt of public assistance or retaliated against her for engaging in MHRA-protected conduct, and the complaint should be dismissed. 4 in favor | 0 opposed | 1 abstained (Walker). Commissioner David moved, seconded by Commissioner O'Brien, to find no reasonable grounds to believe that Adam Nailor discriminated against Shama Maiwan on the basis of sex (hostile housing environment), and the complaint should be dismissed. 3 in favor | 1 opposed (Ashby) | 1 abstained (Walker).

## EXECUTIVE SESSION

At approximately 12:17 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). 5 in favor | 0 opposed.

At approximately 12:38 PM, Commissioner O'Brien moved, seconded by Commissioner David, to come out of Executive Session. 5 in favor | 0 opposed.

Commissioner Ashby moved, seconded by Commissioner David, to approve the settlement agreement in the litigation of the reasonable-grounds case Hobson v. King Real Estate (#H20-0020ACDE), and authorized the Commission's Executive Director and/or Commissioner Counsel to execute the agreement. 5 in favor | 0 opposed.

Commissioner Ashby moved, seconded by Commissioner David, to adopt proposed amendments to the following Maine Human Rights Commission regulations:

- Chapter 2: Procedural Rule..
- Chapter 3: Employment Regulations of the Maine Human Rights Commission.
- Chapter 7: Accessibility Regulations of the Maine Human Rights Commission.
- Chapter 8: Housing Regulations of the Maine Human Rights Commission.

5 in favor | 0 opposed.

At 12:43 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.

PA20-0409	Mitchell Gratz (Warren) v. Maine State Prison (Warren)	NRG
E20-0430	Christy Hashey (Bradley) v. VF Corp (Greensboro, NC)	NRG
H22-0120AB	Monika Main (Portland) v. Saco Falls Management (Portland) & The Stzanton Company (Portland)	NRG
H22-0136	Gary Manuel (Bangor) v. The Caleb Group (Bangor)	NRG
H22-0178A-D	Cheryl Gerrity (Augusta) v. C&C Realty Management (Augusta), Augusta Housing Authority (Augusta), AHA Maple Street, LP (Augusta) & Amanda Olsen (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 Evangelical Free Church & Homeless Shelter (Skowhegan)

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