



# Maine Human Rights Commission

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**Kit Thomson Crossman**  
EXECUTIVE DIRECTOR

**Barbara Archer Hirsch**  
COMMISSION COUNSEL

## COMMISSION MEETING MINUTES December 11<sup>th</sup>, 2023 MEETING

*\*via ZOOM\**

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

### AGENDA

Commissioner David moved, seconded by Commissioner Walker to adopt the Agenda 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 | 1 abstention (Commissioner Ashby abstained).

### MINUTES

Commissioner David moved, seconded by Commissioner Douglas, to adopt the November 2023 Commission Meeting Minutes. 5 in favor | 0 opposed.

### ADMINISTRATION

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

- Personnel: A report was placed on file.
- Compliance: Since the last meeting, there were 0 unsuccessful conciliation and 0 successful conciliations. Ten reasonable-grounds cases remain in active conciliation.
- New Charges: 34 new complaints filed in November 2023.
- Administrative Dismissals: 11 administrative dismissals issued in November 2023.
- Pre-determination settlements: 4 pre-determination cases settled in November 2023.

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

E22-0004\* *Tina Bourgoin (Machiasport) v. Saint Croix Regional Family Health Center (Princeton)*. Attorney Rick Finberg presented Respondent's position. Attorney Braden Beard presented Complainant's position. Investigator Colin Hurd presented/answered Commissioner questions. Commissioner David moved, seconded by Commissioner Walker, to find that there are **Reasonable Grounds** to believe that Saint Croix Regional Family Health Center retaliated against Tina Bourgoin for engaging in WPA-protected activity; and conciliation should be attempted in accordance with 5 M.R.S. § 4612(3). 5 in favor | 0 opposed.

E22-0023 *Stephen Furey (Hallowell) v. Shaw's (Augusta)*. Stephen Furey presented his position. Attorney Amy Burke presented Respondent's position. Lead Investigator Jane O'Reilly presented/answered Commissioner questions. Commissioner David moved, seconded by Commissioner O'Brien, to find that there are No Reasonable Grounds to believe that Shaw's retaliated against Steven Furey for engaging in WPA-protected activity; and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 5 in favor | 0 opposed.

E22-0086 *Sheldon Scarborough (San Antonio, TX) v. Louth Callan (Suffield, CT)*. Complainant did not appear. Attorney Malaina Sylvestre was present for Respondent. Commissioner Ashby moved, seconded by Commissioner Walker, to find that there are No Reasonable Grounds to believe that Louth Callan discriminated against Sheldon Scarborough on the basis of race and/or color; No Reasonable Grounds to believe that Louth Callan subjected Sheldon Scarborough to retaliation for engaging in MHRA- or WPA-protected activity; and the charge should be dismissed in keeping with 5 M.R.S. § 4612(2). 5 in favor | 0 opposed.

H23-0278-A/B *Susan Soucy (Lewiston) v. Erika Frisbie (Palmetto, FL) & Kevin Frisbie (Palmetto, FL)*. Neither Complainant nor Respondent appeared. Investigator Alex Brindley presented/answered Commissioner questions. Commissioner O'Brien moved, seconded by Commissioner Ashby, to find that there are No Reasonable Grounds to believe that Respondent discriminated against Complainant on the basis of disability (hostile housing environment and/or denial of reasonable accommodation), and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 4 in favor | 1 opposed (Commissioner David opposed).

## EXECUTIVE SESSION

At 10:25 AM, Commissioner Ashby moved, seconded by Commissioner Walker, 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 10:50 AM, Commissioner Ashby moved, seconded by Commissioner Walker, to come out of Executive Session. 5 in favor | 0 opposed.

At approximately 10:52 AM the meeting was adjourned.

## CONSENT AGENDA

E22-0005	Rayshawn Minter (Milo) v. St. Joseph Healthcare, St. Joseph Hospital (Bangor)	NRG
E22-0077	Nicholas Ver Vaet (Peninsula, OH) v. Emburse (Portland)	NRG
ED22-0143AB	Mark & Heather Higgins o/b/o Minor Child (Thomaston) v. Regional School Unit 13 (Rockland) & Superintendent John McDonald (Rockland)	NRG
E22-0340	Nina Young (Presque Isle) v. Elks Lodge (Presque Isle)	NRG
H23-0277	Kaitlin Field (Winthrop) v. C.B. Mattson, Inc. (Farmingdale)	NRG
H23-0283ABC	Linda Athearn (Camden) v. Megunticook Housing (Camden), Terry McDonald (Camden) & Melissa Martinez (Camden)	NRG
H/E23-0288	Dr. Andrea Vianna (Burnham) v. Katahdin Valley Health Center (Patten)	NRG
H23-0290ABC	Amy Clark & Mark Berry (Parsonsfield) v. Misty Tuell (Portland), Adriana Rodriguez (Portland) & Sonya Emery (Portland)	NRG

## TABLED

PA22-0073\* Nicole & William Mencke, Jr. o/b/o minor child (Wells) v. Cranton-Thomes Day School (Wells)

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