



Maine Human Rights Commission

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INVESTIGATOR'S REPORT
MHRC Case Number: E15-0354
June 30 2017

Melody A. McLellan (Augusta)

v.

Quirk Auto Group¹ (Bangor)

I. Summary of Case:

Complainant, who worked as a Service Advisor for Respondent, a car dealership, alleged that Respondent subjected her to less favorable terms and conditions in employment based on sex, and that its termination of her employment also was due to sex discrimination and retaliation for complaining about the adverse treatment. Respondent denied discrimination and retaliation, stating that Complainant was terminated for failing to meet company performance expectations. The Investigator conducted a preliminary investigation, which included reviewing all documents submitted by the parties, issuing written requests for additional information, holding an Issues and Resolution Conference ("IRC") and conducting a phone interview with a witness. Based upon this information, the Investigator recommends that the Commission find that there are no reasonable grounds to believe that Respondent subjected Complainant to less favorable terms and conditions in employment on the basis of sex or unlawfully retaliated against her, but that there are reasonable grounds to believe that Respondent discharged Complainant due to her sex.

II. Jurisdictional Data:

- 1) Dates of alleged discrimination: November 2008 to January 9, 2015.
- 2) Date complaint filed with the Maine Human Rights Commission ("Commission"): July 21, 2015.
- 3) Respondent has approximately 400 employees and is subject to the Maine Human Rights Act ("MHRA"), Title VII of the Civil Rights Act of 1964, as amended, the Maine Whistleblowers' Protection Act ("WPA") as well as state and federal employment regulations.
- 4) Complainant is represented by Carol Garvan, Esq. Respondent is represented by Stephen Langsdorf, Esq.

III. Development of Facts:

- 1) Complainant provided the following in support of her claim:

¹ Complainant named Respondent as "Quirk Auto Group"; Respondent stated that its legal name is "Quirk Kennebec Co. d/b/a Quirk Ford of Augusta". Because Complainant did not amend her complaint, the name she used has been retained.