



# Maine Human Rights Commission

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**Kit Thomson Crossman**  
EXECUTIVE DIRECTOR

**Barbara Archer Hirsch**  
COMMISSION COUNSEL

## COMMISSION MEETING MINUTES

February 10th, 2024, MEETING

***Held in Hybrid Format - In Person (19 Union Street, Augusta, Maine) and via ZOOM***

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

### AGENDA

Commissioner Douglas moved, seconded by Commissioner Walker, to adopt the Agenda and Consent Agenda to accept the Investigators' recommended decisions in each of the cases listed on the Consent Agenda (see listing beginning on page 3).

4 in favor | 0 opposed.

### MINUTES

Commissioner David moved, seconded by Commissioner Douglas, to adopt the January Commission Meeting Minutes.

3 in favor | 1 recused (Walker recused).

### 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 2 unsuccessful conciliation and no successful conciliations, with 8 reasonable-grounds cases remaining in active conciliation.
    - Commissioner David moved, seconded by Commissioner Walker, to accept the agreement in H24-0110-ABC, *Nwankwo v. Pullen/Jacques/North River Hathaway, LLC*, and to allow the Executive Director to sign on their behalf.
- 4 in favor | 0 opposed.
- New Charges: 42 new complaints were filed in January, with a total of 60 new Respondents.
  - Withdrawals and dismissals: 32 issued in January, including 7 administrative dismissals, 9 right-to-sue letters, 13 settlements (7 private settlements and 6 settlements through the MHRC's mediation program) with a total of \$310,000 to Complainants, and 3 withdrawals without benefits.

Quarterly reports:

- Pending Inventory: 794 cases pending as of January 2025.
- Training & Education: Commission staff attended/participated in 18 training or education sessions in the second quarter of the fiscal year.
- Financial Reports: Presented and placed on file.

New Business: The Commission presented testimony at the Judiciary Committee on three bills on Wednesday, February 5<sup>th</sup>, and will provide testimony on February 11<sup>th</sup> to a joint session of the Appropriations and Judiciary Committees regarding the budget.

At approximately 8:45 A.M. Commissioner David began the Hearing Agenda.

### CASES VOTED ON IN A.M. SESSION

*E22-0346\*, Robert Witt (Wilton) v. Mt. Blue Drug (Farmington).* Commissioner Douglas moved, seconded by Commissioner Walker to send the case after January's Hearing to Executive Director for Administrative Dismissal.

3 in favor | 1 recused (David recused) | 0 opposed.

*E22-0379ABC, Melody McClendon obo Minor Child (Limestone) v. Walmart (Presque Isle), Darren Collins (Presque Isle), Skylar (Presque Isle).* Attorney Ryan Schmitz did not appear. Skylar Ellis did not appear. Attorney Rachel Tirhi was present for Respondents Walmart and Darren Collins. Investigator Nupur Leva was present to answer Commissioner questions. Commissioner David moved, seconded by Commissioner O'Brien, to find there are No Reasonable Grounds to believe that Walmart, Darren Collins and/or Skylar, discriminated against Melody McClendon obo Minor Child on the basis of race and/or disability, that there are No Reasonable Grounds to believe that Walmart, Darren Collins, and/or Skylar retaliated against Melody McClendon obo Minor for engaging in WPA- and/or MHRA-protected activity, and that the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2).

4 in favor | 0 opposed.

*ED23-0151\*, Torry Verrill obo minor child (Warren) v. St. George MSU (Tenants Harbor).* Attorney Michael Buecher presented Respondent's position. Torry Verrill presented her position. Investigator Nupur Leva reviewed her report and recommendations and answered Commissioner questions. Commissioner David proposed a motion to find there are Reasonable Grounds to believe that St. George MSU discriminated against Torry Verrill obo minor child on the basis of sexual orientation or gender identity, and conciliation should be attempted in accordance with 5 M.R.S. § 4612(3).

Motion failed for lack of a second.

Commissioner O'Brien moved, seconded by Commissioner Walker to find there are No Reasonable Grounds to believe that St. George MSU discriminated against Torry Verrill obo minor child on the basis of sexual orientation or gender identity, and conciliation should be attempted in accordance with 5 M.R.S. § 4612(3).

2 in favor | 2 opposed.

Pursuant to the Commission's Procedural Rule at 2.07(C) regarding tie votes, the Investigator's findings of **Reasonable Grounds** were adopted and conciliation will be attempted in accordance with 5 M.R.S. § 4612(3).

*E22-0379ABC, Melody McClendon obo Minor Child (Limestone) v. Walmart (Presque Isle), Darren Collins (Presque Isle), Skylar (Presque Isle).* Attorney Schmitz arrived late to the meeting. Commissioner David moved, seconded by Commissioner Douglas, to reconsider the vote in this matter and hear presentations from the parties and the Investigator.

4 in favor | 0 opposed.

Attorney Ryan Schmitz presented Complainant's position. Attorney Rachel Tirhi presented Respondents Walmart and Darren Collins' position. Skylar Ellis was not present. Investigator Nupur Leva reviewed her report and recommendations and answered Commissioner questions. Commissioner David moved, seconded by Commissioner

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

Walker, to find there are No Reasonable Grounds to believe that Walmart, Darren Collins and/or Skylar, discriminated against Melody McClendon obo Minor Child on the basis of race and/or disability, that there are No Reasonable Grounds to believe that Walmart, Darren Collins, and/or Skylar retaliated against Melody McClendon obo Minor for engaging in WPA- and/or MHRA-protected activity, and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2).

4 in favor | 0 opposed.

*E23-0021AB, Hattie Damon (Gouldsboro) v. Hometown Shellfish Inc (Steuben), Jennifer Chase (Steuben).* Attorney Jessica Payson presented Complainant's position. Jennifer Chase presented Respondents' position. Investigator Nupur Leva reviewed her report and recommendations and answered Commissioner questions. Commissioner Walker moved, seconded by Commissioner David, to find there are No Reasonable Grounds to believe that Hometown Shellfish Inc. and Jennifer Chase discriminated against Hattie Damon on the basis of disability, and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2).

2 in favor | 2 opposed.

Pursuant to the Commission's Procedural Rule at 2.07(C) regarding tie votes, the Investigator's findings of No Reasonable Grounds were adopted and the complaint will be dismissed in accordance with 5 M.R.S. § 4612(2).

*E23-0254\*, Desiree Scott (Portland) v. Albertsons Companies (Bellevue, MA).* Attorney Kevin Reed presented Respondent's position. Attorney Jeffrey Young presented Complainant's position. Investigator Angela Morse reviewed her report and recommendations and answered Commissioner questions. Commissioner O'Brien moved, seconded by Commissioner David, to find there are No Reasonable Grounds to believe that Albertson Companies discriminated against Desiree Scott on the basis of age, and that claim should be dismissed in accordance with 5 M.R.S. § 4612(2); and that there are **Reasonable Grounds** to believe that Albertson Companies discriminated against Desiree Scott on the basis of disability, and conciliation of that claim should be attempted in accordance with 5 M.R.S. § 4612(3).

3 in favor | 1 Recused (Douglas recused).

*H24-0350ABC, Lucy Barnhart (Bar Harbor) v. Ellsworth and Mount Desert Island Housing Authority (Bar Harbor), Jennifer Richardson (Bar Harbor), Bar Harbor Housing Authority (Bar Harbor).* Lucy Barnhart presented her position. Attorney Joseph Bethony presented Respondents' position. Investigator Carrie McCarter reviewed their report and recommendations and answered Commissioner questions. Commissioner David moved, seconded by Commissioner Douglas, to find there are No Reasonable Grounds to believe that Ellsworth and Mount Desert Island Housing Authority, Jennifer Richardson, and/or Bar Harbor Housing Authority discriminated against Lucy Barnhart on the basis of disability, there are No Reasonable Grounds to believe that Ellsworth and Mount Desert Island Housing Authority, Jennifer Richardson, and/or Bar Harbor Housing Authority retaliated against Lucy Barnhart for engaging in MHRA-protected conduct, and the complaint should be dismissed in accordance with 5 M.R.S. §4612(2).

4 in favor | 0 opposed.

## **EXECUTIVE SESSION**

At approximately 11:47 A.M., 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).

4 in favor | 0 opposed.

At approximately 12:15 P.M., Commissioner David moved, seconded by Commissioner Walker, to come out of Executive Session.

4 in favor | 0 opposed.

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

Commissioner Douglas moved, seconded by Commissioner Walker, to litigate H24-0193-A, *McAllister v. Sapiel*, and not to litigate E22-0304-A, *Carter v. Christmas Tree Shop*.

4 in favor | 0 opposed.

Commissioner David moved, seconded by Commissioner Walker, to accept the agreements in H19-0428-AB, *Bartos & Loggans v. Twin Cities Group/Olga Dolgicer* and H22-0253-AC, *Deschaine v. Auburn Housing Authority/Jordan*, and to allow Commission Counsel to sign on their behalf.

4 in favor | 0 opposed.

At approximately 12:17 P.M. 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.

E23-0023	<i>Michael Doherty (Dover, NH) v. Sweet Dirt LLC (Elliot)</i>	NRG
E23-0035	<i>Destiny Rials (Limestone) v. Walmart (Presque Isle)</i>	NRG
H24-0341-ABCD	<i>Annette Strong (North Haverhill, NH) v. John Corson (Pemaquid), Sue Fox (Pemaquid), Amber Thibodeau (Pemaquid), Pat Schwebler (Northampton, MA)</i>	NRG
H24-0343ABC	<i>Frantz Joseph (Appleton, ME) v. Mark Rossiter (Union, ME); Laurie A. McDaniels &amp; Tucker McDaniels-Rossiter (Union, ME) v. Rossiter LLC (Byfield, MA)</i>	NRG
PA24-0343D	<i>Frantz Joseph (Appleton, ME) v. Knox County Sheriff's Office (Rockland, ME)</i>	NRG

### **TABLED**

H24-0309-A/E/F*	<i>Rebecca Parsons (Old Town) v. Hellas Condominiums (Old Town), Peter Greeno (Old Town), Mara Allran (Old Town)</i>
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\* Indicates a case in which a "reasonable grounds" finding is recommended