



# Maine Human Rights Commission

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**Kit Thomson Crossman**  
EXECUTIVE DIRECTOR

**Barbara Archer Hirsch**  
COMMISSION COUNSEL

## COMMISSION MEETING MINUTES January 6, 2025, 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 8:31 AM. Also present were Commissioners Sanders, Douglas, and O'Brien. Commissioner Walker was absent.

### AGENDA

Commissioner Sanders moved, seconded by Commissioner Douglas, to adopt the Agenda and Consent Agenda to accept the Investigators' recommended decision in each of the cases listed on the Consent Agenda (see listing on page 3). 4 in favor | 0 opposed.

### MINUTES

Commissioner Sanders moved, seconded by Commissioner Douglas, to adopt the December Commission Meeting Minutes. 3 in favor | 0 opposed | 1 recused (Commissioner O'Brien 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 has been 1 unsuccessful conciliation and 1 successful conciliation, with 7 reasonable grounds cases remaining in active conciliation.
  - Commissioner Sanders moved, seconded by Commissioner Douglas, to accept the conciliation agreements in H24-0110-ABC (once Complainant's signature is received) and PA23-0308, and to allow ED Thomson Crossman to sign on their behalf. 4 in favor | 0 opposed.
- New Charges: 65 new complaints filed between November 1st- December 29<sup>th</sup>, with a total of 97 new Respondents.
- Withdrawals and dismissals: 52 issued in December, including 34 administrative dismissals, 6 right-to-sue letters, and 12 settlements (4 private settlements and 8 settlements through the MHRC's mediation program) with a total of \$273,675 to Complainants.

New Business: The legislative session has begun. ED Thomson Crossman and Commission Counsel Barbara Archer Hirsch will be presenting at the Judiciary Committee agency orientation day on January 14<sup>th</sup>.

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

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

E22-0346\*, *Robert Witt (Wilton) v. Mt. Blue Drug (Farmington)*. Attorney Daniel Strader presented Respondent's position. Robert Witt presented his position. Investigator Robert Beauchesne reviewed his report and recommendations and answered the Commissioner's questions. Commissioner Sanders moved, seconded by Commissioner Douglas, to delay making a final decision in the case until the February 10, 2025, Commission meeting, while Commission Counsel researches the two-year time limit per 5 M.R.S. § 4612(1.B.). 3 in favor | 0 opposed | 1 recused (Commissioner David recused).

E23-0008, *Hector Gomez (Waterville) v. Alcom, LLC (Winslow)*. The Complainant was not represented by counsel and did not make an appearance. Attorney Frederick B. Finberg was present for the Respondent. Investigator Alex Brindley was available to review their report and recommendations and to answer the Commissioner's questions. Commissioner David moved, seconded by Commissioner Douglas, to find there are No Reasonable Grounds to believe that Alcom, LLC discriminated against Hector Gomez on the basis of race and/or color, that there are No Reasonable Grounds to believe that Alcom, LLC retaliated against Hector Gomez for engaging in MHRA- and/or WPA-protected activity, and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 4 in favor | 0 opposed.

E23-0313\*, *Keith Holland (Falmouth) v. Piedmont Airlines (Portland)*. Attorney Daniel Farrington presented the Respondent's position. Keith Holland presented his position. Investigator Jane O'Reilly reviewed her report and recommendations and answered the Commissioner's questions. Commissioner Sanders moved, seconded by Commissioner David, to find there are **Reasonable Grounds** to believe that Piedmont Airlines discriminated against Keith Holland on the basis of religion, and conciliation should be attempted in accordance with 5 M.R.S. § 4612(3). 4 in favor | 0 opposed.

PA23-0132, *Sara Lamontagne (Harwinton, CT) v. State Board of Social Worker Licensure (Augusta, ME)*. Sara Lamontagne presented her position. Attorney Kelly Morrell presented the Respondent's position. Investigator Angela Morse reviewed her report and recommendations and answered the Commissioner's questions. Commissioner Douglas moved, seconded by Commissioner Sanders, to find there are No Reasonable Grounds to believe that State Board of Social Worker Licensure discriminated against Sara Lamontagne on the basis of sexual orientation or gender identity, and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 4 in favor | 0 opposed.

H/E24-0123, *Ismith Phanord (Portland) v. SHP Management Corporation (Cumberland Foreside)*. Attorney Martin Tartre presented the Complainant's position. Attorney Peter Hale presented the Respondent's position. Investigator Jane O'Reilly reviewed her report and recommendations and answered the Commissioner's questions.

Commissioner Sanders moved, seconded by Commissioner O'Brien, to find there are No Reasonable Grounds to believe that SHP Management Corporation discriminated against Ismith Phanord on the basis of race, color, national origin, and/or ancestry and No Reasonable Grounds to believe that SHP Management Corporation retaliated against Ismith Phanord for engaging in MHRA- and/or WPA-protected activity, and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 1 in favor (O'Brien in favor) | 3 opposed. Motion failed.

Commissioner Sanders moved, seconded by Commissioner Douglas, to find there are **Reasonable Grounds** to believe that SHP Management Corporation discriminated against Ismith Phanord on the basis of race, color, national origin, and/or ancestry and **Reasonable Grounds** to believe that SHP Management Corporation retaliated against Ismith Phanord for engaging in MHRA- and/or WPA-protected activity, and conciliation should be attempted in accordance with 5 M.R.S. § 4612(3). 4 in favor | 0 opposed.

## **EXECUTIVE SESSION**

\* Indicates a case in which a "reasonable grounds" finding is recommended by the MHRC Investigator.

At approximately 12:01 P.M., Commissioner David moved, seconded by Commissioner Douglas, 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 12:28 P.M., Commissioner Sanders moved, seconded by Commissioner David, to come out of Executive Session. 4 in favor | 0 opposed.

Commissioner Sanders moved, seconded by Commissioner David, not to litigate E23-0182, *Scott v. GreenPages Technology*. 4 in favor | 0 opposed.

At approximately 12:30 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 with the Investigator's recommendation. Commissioners considered these cases without oral argument by the parties.

E22-0374ABC*	Joseph Allen III (Limestone) v. Walmart (Presque Isle), Sean Hafford (Presque Isle), Linda Gardiner (Presque Isle)	RG/NRG
E22-0382AB	Matthew Plumey (Limington) v. Town of Limington (Limington), Emil Braley (Limington)	NRG
E22-0403ABC	Angela Allen (Waterville) v. State of Maine Department of Health and Human Services, The Office of Aging and Disability Services (Augusta), Elizabeth Hardink (Augusta), Derek Fales (Augusta)	NRG
E22-0427AB	Tara Karczewski-Mitchell (Vassalboro) v. Maine General Medical Center (Augusta) & Elmwood Primary Care (Waterville)	NRG
E22-0428	Raysean Brown (Limestone) v. Walmart (Presque Isle)	NRG
E23-0041	Joseph Giovannani (Portland) v. DaVinci's (Lewiston)	NRG

### TABLE

No cases were tabled during this session.

\* Indicates a case in which a "reasonable grounds" finding is recommended by the MHRC Investigator.