



# Maine Human Rights Commission

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**Kit Thomson Crossman**  
EXECUTIVE DIRECTOR

**Barbara Archer Hirsch**  
COMMISSION COUNSEL

## COMMISSION MEETING MINUTES

July 8<sup>th</sup>, 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 8:31 AM. Also present were Commissioners O'Brien, Walker, and Sanders. Commissioner Douglas was not present.

### AGENDA

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

### MINUTES

Commissioner O'Brien moved, seconded by Commissioner Walker, to adopt the May and June 2024 Commission Meeting Minutes. 4 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 2 unsuccessful conciliation and 2 successful conciliation, with 3 reasonable-grounds cases remaining in active conciliation.
  - Commissioner Sanders moved, seconded by Commissioner O'Brien, to dismiss PA19-0346, *Demmons v. Bingham General Store/Earle*, and H23-0531, *Willette v. Oceanside Condominium Association*. 4 in favor | 0 opposed.
- New Charges: 39 new complaints filed in June.
- Administrative Dismissals: 15 administrative dismissals issued in June.
- Pre-determination settlements: to be presented at the next Commission Meeting.

### New Business:

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

### HEARING AGENDA

E22-0183, *Jayne Whiteside (Augusta) v. First Atlantic Healthcare/Woodlawn Rehabilitation and Nursing Center (Skowhegan)*. Complainant presented her position. Attorney Katy Rand presented Respondents' position. Investigator Alex Brindley reviewed their report and recommendations and answered Commissioner questions. Commissioner David moved, seconded by Commissioner Walker, to find there are no reasonable grounds to believe that First Atlantic Healthcare/Woodlawn Rehabilitation and Nursing Center retaliated against Jayne Whiteside in violation of the MHRA and no reasonable grounds to believe that First Atlantic Healthcare/Woodlawn Rehabilitation and Nursing Center

retaliated against Jayne Whiteside in violation of the WPA, and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2) 4 in favor | 0 opposed.

ED22-0246, *Ami Newell o/b/o Minor Child (Albion) v. MSAD #49 (Fairfield)*. Complainant presented her position. Attorney Peter Felmly presented Respondent'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 MSAD #49 discriminated against Ami Newell or Minor Child on the basis of sex and/or sexual orientation or gender identity, no reasonable grounds to believe that MSAD #49 retaliated against Ami Newell or Minor Child for engaging in MHRA protected activity, and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 2 in favor | 2 opposed. Per MHRC Procedural Rule Section 2.07(C), "If the Commission vote results in a tie vote, the recommendation(s) made in the Investigator's Report shall be adopted by the Commission as their finding(s)."

E22-0358 *Kerry Horrigan (Biddeford) v. Westin Hotel (Portland)*. Complainant presented her position. Attorney Aimee Parsons presented Respondent's position. Lead Investigator Jane O'Reilly presented/answered Commissioner questions about another investigator's report and investigation. Commissioner Sanders moved, seconded by Commissioner Walker, to find there are no reasonable grounds to believe that Westin Hotel discriminated against Kerry Horrigan on the basis of sex, age, disability, familial status, and/or for being the recipient of protection order, no reasonable grounds to believe that Westin Hotel retaliated against Kerry Horrigan for engaging in WPA- and/or MHRA-protected conduct, and the complaint should be dismissed in keeping with 5 M.R.S. § 4612(2). 4 in favor | 0 opposed.

### **EXECUTIVE SESSION**

At approximately 10:19 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 10:33 A.M., Commissioner Sanders moved, seconded by Commissioner O'Brien, to come out of Executive Session. 4 in favor | 0 opposed.

Commissioner O'Brien moved, seconded by Commissioner Sanders, to litigate H23-0374, *Gallant v. Greater Brunswick Housing Corp. et al*, and not to litigate PA22-0305, *Stone v. Britten*.

At approximately 10:34 A.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.

PA22-0184AB	Steve Anctil (Warren) v. State of Maine Department of Corrections (Warren) & Wellpath, LLC	NRG
E22-0243AB	Blair Goodman (Portland) v. Controlled Environment Systems, LLC (Mansfield,MA) & DEK Industrial Services, LLC d/b/a 360 Industrial Services (Tempe, AZ)	NRG
E22-0309	Deril "Danielle" Stubenrod (Belgrade) v. KIN Inc. (Menomonee Falls, WI)	NRG
E22-0313	David Kesel (Fort Pierce, FL) v. Central Maine Healthcare (Lewiston, ME)	NRG
E22-0323-AB	Pamela Wood (Cutler) v. Byron Perry (Machias) & University of Maine at Machias (Machias)	NRG

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

PA22-0331	Germon Belvue (Veazie) v. Walmart Stores, Inc. (Bangor)	NRG
E22-0348	David Gagne (Augusta) v. American Dream Restaurants, LLC d/b/a Pizza Hut (Wichita, KS)	NRG
E23-0045	James Murray (Kennebunkport) v. Port Lobster Company, Inc. (Kennebunkport)	NRG
H24-0042-ABCD	Cynthia Gross (Searsport) v. Foothills Management (Farmington), Bryon Staples (Farmington), Kat Bushey (Farmington), & Seabreeze Associates LP (Farmington)	NRG
H24-0052AB*	LeighAnn Garcia (Gorham) v. David Chapman (Scarborough) & Mary Nicolantonio (Scarborough)	RG

**TABLE**

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