



Maine Human Rights Commission

51 State House Station, Augusta, ME 04333-0051
Physical location: 19 Union Street, Augusta, ME 04330
Phone (207) 624-6290 ▪ Fax (207) 624-8729 ▪ TTY: Maine Relay 711
www.maine.gov/mhrc

Amy M. Sneirson
EXECUTIVE DIRECTOR

Barbara Archer Hirsch
COMMISSION COUNSEL

COMMISSION MEETING MINUTES JANUARY 9, 2023 MEETING

Held in Hybrid Format (in person at 19 Union Street, Augusta, Maine 04330 and via ZOOM)

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

AGENDA

Before Commissioners adopted an agenda for the meeting, Executive Director Amy Sneirson presented them with a request for a Right-to-Sue Letter in case PA21-04843AB (*Stiggle v Maine Dep't of Transportation and Thomas*), on today's Consent Agenda. Commissioner David moved, seconded by Commissioner Walker, to deny the request for a Right-to-Sue Letter in the case. 4 in favor | 0 opposed | 1 abstained (Ashby abstained).

Commissioner Walker moved, seconded by Commissioner David, to adopt the Agenda and Consent Agenda, and to accept the Investigator's recommended decision in each of the cases listed on the Consent Agenda (see listing on page 3). 5 in favor | 0 opposed.

MINUTES

Commissioner Douglas moved, seconded by Commissioner David, to adopt the December 2022 Commission Meeting Minutes. 5 in favor | 0 opposed.

ADMINISTRATION

E.D. Sneirson reported on the following Commission activities:

Monthly reports:

- Personnel: A report was placed on file.
- Compliance: Since the last meeting, there were two unsuccessful conciliations, and one successful conciliation. Six reasonable-grounds cases remain in active conciliation.
 - Commissioner David moved, seconded by Commissioner O'Brien, to accept the conciliation agreement in the reasonable-grounds case E20-0464 (*Bois v Walgreens*). 5 in favor | 0 opposed.
 - E.D. Sneirson recommended dismissal of two reasonable-grounds cases in which conciliation agreements had been fully implemented. Commissioner O'Brien moved, seconded by Commissioner Douglas, to dismiss cases E18-0346 (*Lambert v Town of Norridgewock*) and E20-0150 (*Elbarbary v The Penobscot Company*). 5 in favor | 0 opposed.
- Investigation:
 - New Charges: There were 38 new complaints filed in December 2022.
 - Administrative Dismissals: There were 5 cases administratively dismissed in December 2022.
 - Pre-determination Settlements: There were 11 settlements or withdrawals with benefits, with benefits of almost \$183,000 go complainants, in December 2022.

Quarterly reports :

- Training & Education: Commission staff attended/participated in 14 training or education sessions

in the second quarter of the fiscal year.

- Financial Reports: Will be presented and placed on file.
- Pending Inventory: 717 cases pending.

NEW BUSINESS

E.D. Sneirson noted that the 131st Legislature's long session had begun, and stated that the Commission was invited to introduce itself to its Joint Standing Committee on the Judiciary (the Commission's committee of reference) on Thursday, January 12. E.D. Sneirson also noted that the Commission's FY 2022 Annual Report would be submitted tomorrow and then posted online on the Commission's website.

At 8:45 AM Commissioner Ashby began the Hearing Agenda.

HEARING AGENDA

E20-0540*: *Michele R. Figueira (York) v York School Department (York)*. Attorney Kathleen Wade presented Respondent's position. Attorney Braden Beard presented Complainant's position. Investigator Alex Brindley reviewed their report and/or answered Commissioner questions.

- Commissioner O'Brien moved, seconded by Commissioner Walker, to find *no reasonable grounds* to believe that York School Department discriminated against Michele Figueira on the basis of disability or retaliated against her for engaging in MHRA- and/or WPA-protected activity and these claims should be dismissed in accordance with 5 M.R.S. 4612(2). Commissioner O'Brien withdrew, and Commissioner Walker withdrew his second of, the motion.
- Commissioner Ashby moved, seconded by Commissioner Douglas, to find *no reasonable grounds* to believe that York School Department discriminated against Michele Figueira on the basis of disability, and this claim should be dismissed in accordance with 5 M.R.S. 4612(2). 5 in favor | 0 opposed.
- Commissioner Ashby moved, seconded by Commissioner Douglas, to find that there are *reasonable grounds* to believe that York School Department retaliated against Michele Figueira for engaging in MHRA- and/or WPA-protected activity, and these claims should be conciliated in accordance with 5 M.R.S. 4612(2). 2 in favor (Ashby, Douglas) | 3 opposed (David, O'Brien, Walker); the motion failed.
- Commissioner David moved, seconded by Commissioner Walker, to find that there are *no reasonable grounds* to believe that York School Department retaliated against Michele Figueira for engaging in MHRA- and/or WPA-protected activity, and these claims should be dismissed in accordance with 5 M.R.S. 4612(2). 3 in favor (David, O'Brien, Walker) | 2 opposed (Ashby, Douglas).
- Commissioner Ashby moved, seconded by Commissioner Douglas, to find that there are *reasonable grounds* to believe that York School Department discriminated against Michele Figueira on the basis of sexual orientation or gender identity, and conciliation of this claim should be attempted in accordance with 5 M.R.S. 4612(3). 3 in favor (Ashby, Douglas, Walker) | 2 opposed (David, O'Brien).

E21-0270: *Bryce Young (Wiscasset) v. Judith Shaw (Augusta), State of Maine (Augusta)*. Complainant was not present. Commissioner David moved, seconded by Commissioner Douglas, to find there are *no reasonable grounds* to believe that Respondents Judith Shaw or State of Maine discriminated against Complainant on the basis of sex, and *no reasonable grounds* to believe that Respondents Judith Shaw or State of Maine retaliated against Complainant for WPA- or MHRA-protected activity, and the complaint should be dismissed in accordance with 5 M.R.S. 4612(2). 5 in favor | 0 opposed.

EXECUTIVE SESSION

At approximately 10:15 AM, Commissioner Ashby 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).

At approximately 10:30 AM, Commissioner Douglas moved, seconded by Commissioner Walker, to come out of Executive Session. 5 in favor | 0 opposed.

LITIGATION

Commissioner David moved, seconded by Commissioner Douglas, not to litigate the reasonable-grounds case E20-0475 (*Gorman v Prestige Custom Homes*), which was not successfully resolved via conciliation. 5 in favor | 0 opposed.

Commissioner Ashby moved, seconded by Commissioner David, to approve a post-conciliation agreement in the reasonable-grounds case E20-0295 (*Alley v C&G Partnerships*), which was not successfully resolved via conciliation. 5 in favor | 0 opposed.

At approximately 10:45 AM the meeting was adjourned.

CONSENT AGENDA

PA20-0519	Anthony Hardy (Warren) v. Maine Department of Corrections (Augusta)	NRG
E20-0545	Joel Davis (Gardiner) v. The Maine Dep't of Safety, State Fire Marshal (Augusta)	NRG
E21-0047A-D	Dorina Galbraith-McEachern (Greenville Junction) v. Northern Light Health (Brewer), Northern Light CA Dean Hospital (Greenville), Lorraine Rodgerson (Greenville) & Angie Madore (Greenville)	NRG
E21-0200AB	Glen Witham (Augusta) v. Prompto (Augusta) & EIC, Inc. (Westbrook)	NRG
E21-0423A-C	Jennifer Archer (Portland) v. Green Farm Services (Cumberland), Blossom, LLC (Cumberland), DABBA, LLC (Cumberland)	NRG
E21-0424AB	Jonathan Morse (Acton) v. Town of Acton (Acton) & Bob Mann (Acton)	NRG
PA21-0484AB	Michael Stiggle (Mars Hill) v. Maine Department of Transportation (Augusta) and Logan Thomas (Augusta)	NRG
PA22-0102*	Yoesany Lynch (Perham) v. Perham Town Office (Perham)	RG/NRG
H22-0271ABC	Rita Varnum (Seabring, FL) v. Amanda Belanger (Portland), Misty Tuell (Portland) and Avesta Housing (Portland)	NRG
H22-0274A-D	John Wray (Lewiston) v. Avesta Housing Management Corp (Portland), Bates Street Senior Hous. Assoc., LP (Portland), Amanda Bellinger (Portland) & Misty Tuell (Portland).	NRG
H22-0275AB	Kevin Osgood (Rockland) v. MCH Housing (Rockland) & Elizabeth Schuh (Rockland)	NRG

TABLED

E20-0525	Shannon Mason-Gaworski (Lisbon Falls) v Food City (Lisbon Falls)
E21-0041*	David Warren (Freeport) v. Wayfair Maine, LLC (Brunswick)
PA21-0236*	Bertier Ouellette (Waterville) v. Trinity Evangelical Free Church & Homeless Shelter (Skowhegan)

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