



Maine Human Rights Commission

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COMMISSION MEETING MINUTES

October 23rd, 2023, MEETING

via ZOOM

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

AGENDA

Acting Executive Director Thomson Crossman presented Complainant's request to withdraw in a case on today's Consent Agenda, McKenna v. Brunswick School Department (#E21-0273). Commissioner O'Brien moved, seconded by Commissioner David, to deny the request to withdraw the case. 5 in favor | 0 opposed.

Commissioner David moved, seconded by Commissioner Walker, to adopt the Agenda and Consent Agenda to accept the Investigator's recommended decision in each of the cases listed on the Consent Agenda (see listing on page 4). 4 favor | 0 opposed | 1 abstained (Ashby).

MINUTES

Commissioner O'Brien moved, seconded by Commissioner Douglas, to adopt the September 2023 Commission Meeting Minutes. 5 in favor | 0 opposed.

ADMINISTRATION

Monthly reports : Acting Executive Director Thomson Crossman reported on the following Commission activities:

- Personnel: A report was placed on file.
- Compliance: Since the last meeting, there were 0 unsuccessful conciliation and 3 successful conciliations. Four reasonable-grounds cases remain in active conciliation.
 - Commissioner Ashby moved, seconded by Commissioner Douglas, to accept the conciliation agreement in the reasonable-grounds case:
 - H23-0095-AB, Curtis v. Andrei/Trusty Wrench Properties
 - 5 in favor | 0 opposed.
- New Charges: 69 new complaints filed in September.
- Administrative Dismissals: 4 administrative dismissals issued in September.
- Pre-determination settlements: 13 pre-determination cases settled with benefits of \$245,000 to complainants.

At 8:45 AM Commissioner Ashby began the case hearing agenda.

E21-0452AB *Kimberly James (Windsor) v. Maine State Police (Augusta) & Lt. Michael Zabarsky (Augusta)*. Attorney Braden Beard presented Complainant's position. Assistant Attorney General Jeremy Carter presented the position of Respondent Maine State Police. Attorney Eric Uhl presented the position of Respondent Lt. Michael Zabarsky. Investigator Jane O'Reilly reviewed Investigator Robert Beauchesne's report and recommendations and answered Commissioner questions. Commissioner O'Brien moved, seconded by Commissioner Douglas, to find there are No Reasonable Grounds to believe that Respondent Maine State Police and/or Respondent Lt. Michael Zabarsky unlawfully retaliated against Kimberly James for engaging in MHRA- and/or WPA-protected activity, and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 5 in favor | 0 opposed.

ED22-0002* *Jonah Austin (North Bridgton) v. Hebron Academy (Hebron)*. Attorney Tara Walker presented Respondent's position. Attorney Richard O'Meara presented Complainant's position. Investigator Colin Hurd reviewed his report and recommendations and answered Commissioner questions. Commissioner David moved, seconded by Commissioner O'Brien, to find there are **Reasonable Grounds** to believe that Hebron Academy discriminated against Jonah Austin on the basis of disability; and conciliation should be attempted in accordance with 5 M.R.S. § 4612(3). 4 in favor | 1 opposed (Walker).

E22-0052* *Tatiana Morrell (Portland) v. Cosmo LLC (Readfield)*. Larry Cushing and Amara El presented Respondent's position. Tatiana Morrell presented her position. Investigator Nupur Leva reviewed her report and recommendations and answered Commissioner questions. Commissioner Douglas moved, seconded by Commissioner Ashby, to find there are **Reasonable Grounds** to believe that Cosmo LLC discriminated against Tatiana Morrell on the basis of her race, color, and/or national origin, and conciliation should be attempted in accordance with 5 M.R.S. 4612(3). 5 in favor | 0 opposed.

E22-0134* *Ruth Morin (Fort Kent) v. Northern Maine Medical Center (Fort Kent)*. Attorney Steve Langsdorf presented Respondent's position. Complainant was not present. Investigator Nupur Leva reviewed her report and recommendations and answered Commissioner questions. Commissioner Ashby moved, seconded by Commissioner David, to find there are No Reasonable Grounds to believe that Northern Maine Medical Center discriminated against Ruth Morin on the basis of her race and/or national origin; and the complaint should be dismissed in accordance with 5 M.R.S. 4612(2). 4 in favor | 1 opposed (Douglas).

H23-0049A-D *John McLeod (South Paris) v. Madison Avenue Associates (Oxford), Sandra Bahre (Oxford), Speedway, Inc (Oxford) & Windward Apartments, LLC (Oxford)*. Attorney Alice Neal presented Complainant's position. Attorney Aubrey Russell presented Respondents' position. Investigator Colin Hurd reviewed his report and recommendations and answered Commissioner questions. Commissioner David moved, seconded by Commissioner O'Brien, to find there are No Reasonable Grounds to believe that Madison Avenue Associates, Sandra Bahre, Speedway, Inc., or Windward Apartments, LLC discriminated against John McLeod based on disability, sex, and/or sexual orientation or gender identity; there are No Reasonable Grounds to believe that Madison Avenue Associates, Sandra Bahre, Speedway, Inc., or Windward Apartments, LLC retaliated against John McLeod for engaging in MHRA-protected conduct; and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 5 in favor | 0 opposed

H23-0200 *Paul Lauze (Rumford) v. Walter Rideout (Oxford)*. Neither Complainant nor Respondent were present. Commissioner O'Brien moved, seconded by Commissioner Douglas, to find there are No Reasonable Grounds to believe that Walter Rideout discriminated against Paul Lauze on the basis of disability; there are No Reasonable Grounds to believe that Walter Rideout retaliated against Paul Lauze for engaging in MHRA-protected conduct; and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 5 in favor | 0 opposed.

EXECUTIVE SESSION

At 12:04 PM, Commissioner Ashby 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). 5 FILL IN in favor | 0 opposed.

At approximately 12:25 PM, Commissioner Ashby moved, seconded by Commissioner David, to come out of Executive Session. 5 in favor | 0 opposed.

Commissioner Ashby moved, seconded by Commissioner Douglas, to accept the conciliation agreement in the reasonable-grounds case H23-0095-AB, *Curtis v. Andrei/Trusty Wrench Properties*, and to approve the settlement agreement in H/E/PA19-0319, *Fagan v. St. Joseph's*. 5 in favor | 0 opposed.

At approximately 12:26 PM the meeting was adjourned.

CONSENT AGENDA

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| PA21-0236* | <i>Bertier Ouellette (Skowhegan) v. Trinity Evangelical Free Church and Homeless Shelter (Skowhegan)</i> | RG |
| E21-0273 | <i>Martha McKenna (Topsham) v. Brunswick School Department (Brunswick)</i> | NRG |
| PA21-0302 | <i>Rick Soucy (Gardiner) v. The Discovery House (Waterville)</i> | NRG |
| PA21-0330AB | <i>Chandler Dixon v. State of Maine, Department of Transportation & Logan Thomas</i> | NRG |
| PA21-0375 | <i>Daniel Schwartz (Johns Creek, GA) v. Ogunquit River Inn (Wells)</i> | NRG |
| E21-0413* | <i>Mireille Kabongo (Portland) v. Opportunity Alliance (Portland)</i> | RG |
| PA21-0425AB | <i>John Wray (Lewiston) v. Oxford Street Shelter (Portland) & City of Portland; Health and Human Services (Portland)</i> | NRG |
| E22-0082AB | <i>Jeffrey Tourtelotte (Gardiner) v. Katie Spear (Hallowell) & RSU 2 (Hallowell)</i> | NRG |
| E22-0127* | <i>Kate Marriner (Chelsea) v. Scientific Games, Inc (Augusta)</i> | RG |
| E22-0214* | <i>Allison Kurasz (Lowell, Ma) v. American Eagle Outfitters, Inc (Augusta)</i> | RG |
| H23-0210 | <i>Sharidan Gagnon (Bridgewater) v. Lisa Scovil (Blaine)</i> | NRG |

TABLED

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