



# Maine Human Rights Commission

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## INVESTIGATOR'S REPORT

PA16-0472

October 16, 2018

**John J. Mokarzel** (Ogunquit)

v.

**H&B Realty, LLC** (Gray)

### Summary of Case:

Complainant, who leased a commercial car lot open to the public from Respondent, alleged that he was subjected to unlawful discrimination in public accommodation because of his association with sublessees of a different national origin, race, color, religion, and/or ancestry.<sup>1</sup> Respondent, the owner of the car lot and the realty company that leased the lot, denied discrimination and stated that Complainant only alleged discrimination after it brought an action for unpaid lease payments. The Investigator conducted a preliminary investigation, which included reviewing the documents submitted by the parties and holding a Fact Finding Conference ("FFC"). Based upon this information, the Investigator recommends a finding that there are reasonable grounds to believe Complainant was discriminated against on the basis of his association with individuals of different national origin.

### Jurisdictional Data:

- 1) Dates of alleged discrimination: 2/1/2016.
- 2) Date complaint filed with the Maine Human Rights Commission ("Commission"): 10/26/2016.
- 3) Respondent is a place of public accommodation subject to the Maine Human Rights Act ("MHRA") and state regulations.<sup>2</sup>
- 4) Complainant is represented by Neal Weinstein, Esq. Respondent is represented by Marshall J. Tinkle, Esq.

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<sup>1</sup> For ease of reference, these protected classes will be referred to collectively as "national origin" throughout this report.

<sup>2</sup> The MHRA provides that it is unlawful for, "any person who is the owner, [or] lessor...of any place of public accommodation..." to discriminate on the basis of any protected class, including national origin. 5 M.R.S. § 4592(1). Respondent both owned the commercial lot Complainant leased for the purpose of selling cars to the public (a "place of public accommodation" under the MHRA, 5 M.R.S. § 4553(8)(N)), and also operated the realty company that brokered the lease. For purposes of this case, Respondent will be considered the owner of a place of public accommodation and subject to the MHRA accordingly.