



Maine Human Rights Commission
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COMMISSION MEETING MINUTES
September 18th, 2023 MEETING

****via ZOOM****

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

AGENDA

Commissioner O'Brien 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 in favor | 0 opposed.

MINUTES

Commissioner David moved, seconded by Commissioner O'Brien, to adopt the July 31, 2023, Commission Meeting Minutes. 3 in favor | 0 opposed | Commissioner Walker abstained.

ADMINISTRATION

Monthly reports : Acting 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 0 unsuccessful conciliations and 2 successful conciliations. 4 reasonable-grounds cases remain in active conciliation.
 - Commissioner Walker moved, seconded by Commissioner David, to accept the conciliation agreement in the reasonable-grounds cases:
 - H23-0020, Curtis v. Cabrera
 - 4 in favor | 0 opposed.
- New Charges: 73 new complaints filed between July 1 and August 31, 2023.
- Administrative Dismissals: 31 administrative dismissals issued between July 1 and August 31, 2023.
- Pre-determination settlements: 18 pre-determination cases settled with benefits of \$623,969 to complainants between July 1 and August 31, 2023.

At 8:40 AM Commissioner Douglas arrived. At 8:45 AM Commissioner Ashby began the case hearing agenda.

The first two cases on the hearing agenda were consolidated.

E22-0009 *Jennifer Bohnsack (Plano, TX) v. Linda Bean's Maine Lobster, Inc. (Portland, ME)* and E22-0022 *Cynthia Renicker (Zionsville, IN) v. Linda Bean's Maine Lobster, Inc. (Portland, ME)*. Attorney Darby Urey presented the position of the Complainants. Attorney Douglas Currier presented the position of the Respondent. Investigator Angela Morse reviewed her reports and recommendations and answered Commissioner questions. Commissioner David moved, seconded by Commissioner O'Brien, to find there are No Reasonable Grounds to believe that Linda Bean's Maine Lobster, Inc., discriminated against Jennifer Bohnsack or Cynthia Renicker on the basis of age; and the complaints should be dismissed in accordance with 5 M.R.S. § 4612(2). 4 in favor | 1 opposed (Douglas opposed).

E22-0031-A/B *Elizabeth Rudolph (Bar Harbor) v. Eastern Maine Healthcare Systems d/b/a Northern Light Health' (Brewer) Northern Light Regional Health Facilities d/b/a Northern Light Maine Coast Hospital (Ellsworth)*. Attorney Chad Hansen presented the position of the Complainant. Attorney Megan Randlett presented the position of the Respondents. Investigator Angela Morse reviewed her report and recommendations and answered Commissioner questions.

- Commissioner David moved, seconded by Commissioner Douglas, to find there are **Reasonable Grounds to believe that Eastern Maine Healthcare System d/b/a Northern Lights Health and Northern Light Regional Health Facilities d/b/a Northern Light Maine Coast Hospital discriminated against Elizabeth Rudolph on the basis of sex (pregnancy) (denial of a reasonable accommodation)**. 4 in favor | 1 opposed (Walker opposed).
- Commissioner David moved, seconded by Commissioner Douglas, to find there are No Reasonable Grounds to believe that to believe that Eastern Maine Healthcare System d/b/a Northern Lights Health and Northern Light Regional Health Facilities d/b/a Northern Light Maine Coast Hospital retaliated against Elizabeth Rudolph for engaging in MHRA-protected activity; and the complaint should be dismissed in accordance with 5 M.R.S. 4612(2).. 5 in favor | 0 opposed.

E22-0055 *James Sitterly (Ellsworth) v. West Cove Boat Yard (Portland, ME)*. Attorney Braden Beard presented the position of the Complainant. Attorney Benjamin Ford presented the position of the Respondent. Investigator Angela Morse reviewed her report and recommendations and answered Commissioner questions. Commissioner O'Brien moved, seconded by Commissioner Ashby, to find there are No Reasonable Grounds to believe that West Cove Boat Yard discriminated against James Sitterly on the basis of age; and No Reasonable Grounds to believe that West Cove Boat Yard retaliated against James Sitterly for engaging in WP A-protected activity; and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 4 in favor | 1 opposed (David opposed).

E22-0388 *Adele Baruch (Gorham) v. University of Southern Maine (Orono)*. Adele Baruch presented her position as the Complainant. Attorney Tara Walker presented the position of the Respondent. Investigator Colin Hurd reviewed his report and recommendations and answered Commissioner questions. Commissioner David moved, seconded by Commissioner Walker, to find there are No Reasonable Grounds to believe that University of Southern Maine discriminated against Adele Baruch on the basis of

age, religion, or sex; and No Reasonable Grounds to believe that University of Southern Maine retaliated against Adele Baruch for engaging in WP A- or MHRA-protected activity; and the complaint should be dismissed in accordance with 5 M.R.S. § 4612(2). 4 in favor | 0 opposed | 1 recused (Ashby recused).

H23-0130AB* *Judith Moskal-Kanz (Old Orchard Beach), Kendall Kanz (Old Orchard Beach) v. Tidewater Loft Association (Old Orchard Beach), Margaret Settino (Old Orchard Beach)*. Attorney Jon Flagg presented the position of the Respondents. Judith Moskal-Kanz presented the position of the Complainants. Investigator Colin Hurd reviewed his report and recommendations and answered Commissioner questions. Commissioner Douglas moved, seconded by Commissioner David, to find there are **Reasonable Grounds to believe that Tidewater Loft Association and Margaret Settino discriminated against Judith Moskal-Kanz and Kendall Kanz on the basis of disability; and conciliation should be, attempted in accordance with 5 MR.S. § 4612(3)**. 5 in favor | 0 opposed.

H23-0143-A/B *Jolene T. Couture (Lisbon) v. Two and Ken Valley Housing Group LP (Portland) & Preservation Management, Inc. (Portland)*. Attorney Alice Neal presented the position of the Complainant. Attorney Stephanie Albert presented the position of the Respondents. Investigator Angela Morse reviewed her report and recommendations and answered Commissioner questions. Commissioner Douglas moved, seconded by Commissioner O'Brien, to find there are No Reasonable Grounds to believe that Two and Ken Valley Housing Group LP discriminated or retaliated against Jolene T. Couture on the basis of disability; and No Reasonable Grounds to believe that Preservation Management, Inc., discriminated or retaliated against Jolene T. Couture on the basis of disability; and these complaints should be dismissed in accordance with 5 M.R.S. § 4612(2). 5 in favor | 0 opposed.

EXECUTIVE SESSION

At 1:06 PM, Commissioner Ashby moved, seconded by Commissioner David, 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 in favor | 0 opposed.

At approximately 1:47PM, Commissioner Walker moved, seconded by Commissioner David, to come out of Executive Session. 5 in favor | 0 opposed.

Commissioner Walker moved, seconded by Commissioner Douglas, to litigate the following reasonable-grounds case which was not successfully resolved via conciliation:

- H22-0413, *Lavado v. Junkins*

and not to litigate the following reasonable-grounds cases which were not successfully resolved via conciliation:

- E21-0046, *Smith v. Dollar General*
- PA21-0094, *Carver v. Cumberland County Sheriff's Department*

4 in favor | 0 opposed | 1 abstained (Ashby abstained).

At approximately 1:49PM the meeting was adjourned.

CONSENT AGENDA

E21-0318 Anderson Washington (Saco) v. Volunteers of America (Brunswick)
NRG

PA21-0346AB Paul Watkins (Lebanon) v. Lebanon Town Hall (Lebanon) v. Selectman Charles Russell,
Chairman (Lebanon) NRG

E21-0336 Brian Mozeliak (Pembroke) v. Dead River Company (Calais)
NRG

E21-0365AB Carole Starling (Herman) v. Penobscot County Sheriff's Office (Bangor) & Maine
Municipal Association (Augusta) NRG

E21-0372 Penny Wood (Sabattus) v. TD Bank (Lewiston) NRG

E21-0411 Angel Velez (Wells) v. Applegreen New England, DBA 7-Eleven (Kittery) NRG

PA21-0517AB Paul Watkins (Lebanon) v. Town of Lebanon (Lebanon) v. Charles Russell (Lebanon)
NRG

E22-0006AB Brandi DiStasio (Biddeford) v. Portland Harbor Hotel Associates, LLC & Colwen
Management, Inc. NRG

E22-0007AB Amber White (Biddeford) v. Portland Harbor Hotel Associates, LLC (Portland) & Colwen
Management, Inc. (Portsmouth, NH) NRG

E22-0132 Alicia Gierhan (Auburn) v. Norway Savings Bank (Norway)
NRG

E22-0141 Arthur Shepherd (Newport) v. Fellowship health Resources (Bangor)`
NRG

E22-0277 Jeffrey Mowry (Springvale) v. Town of Acton (Acton) NRG

E22-0300 Abby Hogencamp (Bangor) v. Winterberry Heights Assisted Living Facility (Bangor)
NRG

E22-0303 April Jean Hurst (Portland) v. DKD Donuts, LLC (Portland)
NRG

H23-0108 Eldwin Salas (Portland) v. Schneider Property/Home River Group (Portland), Alyssa
Ashby (Portland) & E5 Holdings, LLC (West Hollywood, CA)
NRG

H23-0116ABC Katherine Taylor (Portland) v. Freedom Place at 66 State (Portland), DC 66 State, LLC
(Portland) & Amistad, Inc (Portland) NRG

H23-0122A-C Bonnie Buzzell Hutchins (Waterville) v. Mid-Maine Homeless Shelter (Waterville), Chris
Cote (Waterville) & Richard Compagnon (Waterville)
NRG

H/PA23-0139AB Amy Martin (Bangor) v. City of Bangor (Bangor) & Jeff Wallace (Bangor) NRG

H23-0166 Kelly Harding (Lewiston) v. Eleanor Carolan (North Yarmouth) NRG

TABLED

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