



Maine Human Rights Commission

51 State House Station - Augusta, ME 04333

Patricia E. Ryan
Executive Director

John P. Gause
Commission Counsel

COMMISSION MEETING MINUTES

Senator Conference Center (Best Western) Embassy Room
284 Western Ave ~ Augusta, Maine

December 7, 2009

Chair Vestal called the December 7, 2009 Commission meeting to order at 8:32 a.m. Present were Commissioners: Paul Vestal, Sallie Chandler, Joe Perry; and A. Mavourneen Thompson.

Commissioner Vestal called for adoption of the agenda.

- Executive Director Patricia Ryan requested that case *E08-0560: Jacqueline Foss v. Buxton Eye Center & Dr. Carl Gullbrand* be tabled pending settlement.
- Executive Director Patricia Ryan requested that case *E08-0229: Kimberly Violette) v. North Star Farm, Inc* from the agenda due to settlement between the parties.
- Executive Director Patricia Ryan requested that *E08-0324, Kristin Ross v. JP Morgan Chase* be tabled pending settlement.
- Executive Director Patricia Ryan requested that *H09-0170(A-B): Hillary Hemminger v. CKB Properties, LLC; Global Real Estate Mgt, Inc.; M. Theriault* be tabled to the January Agenda.
- Executive Director Patricia Ryan requested that *E08-0562: Smith v. Spurwink Services* be removed from the agenda due to settlement.
- Executive Director Patricia Ryan requested that *H09-0462: Stanley Harrison (Sedgwick) v. The Housing Foundation D.I.S.P. (Orono)* removed from the agenda due to settlement between the parties.
- Executive Director Patricia Ryan requested that Conciliation Agreement *E08-0639: Murphy v. Waldo Community Action* be added to the Agenda.
- Executive Director Patricia Ryan requested that Conciliation Agreement *H09-0197 in Lexi Cates v. NU Realty Inc.* be added to the Agenda.

Commissioner Chandler moved, seconded by Commissioner Perry to adopt the revised agenda as amended. 4 in favor | 0 opposed.

CONSENT AGENDA (see detailed listing on page 5)

Commissioner Chandler moved, seconded by Commissioner Perry, to accept the Investigator's recommendations in each of the cases on the Consent Agenda. 4 in favor | 0 opposed.

MINUTES

Commissioner Chandler moved, seconded by Commissioner Perry, to adopt the October 26, 2009 Commission Meeting Minutes as written. 2 in favor | 2 abstained (Vestal, Thompson).

ADMINISTRATION

Personnel Report- Commissioners reviewed the report and it was placed in the file.

COMPLIANCE

Compliance Report: Commissioners reviewed Fran Davis' report and it was placed on file.

Conciliation Agreements:

- Commissioner Chandler moved, seconded by Commissioner Perry to accept the Conciliation Agreement in E08-0093: *Jessica C. Dello Russo v. Cann Did Investments*. 4 in favor | 0 opposed.
- Commissioner Chandler moved, seconded by Commissioner Perry to accept the Conciliation Agreement in E08-0112: *Timothy Condon v. Emmerson Auto Sales*. 4 in favor | 0 opposed.
- Commissioner Chandler moved, seconded by Commissioner Perry to accept the Conciliation Agreement in E08-0112: *Lexie Cates v. Nu Realty*. 4 in favor | 0 opposed.
- Commissioner Perry moved, seconded by Commissioner Chandler to accept the Conciliation Agreement in *E08-0639: Murphy v. Waldo Community Action*. 4 in favor | 0 opposed.

INVESTIGATION

- New Charges: Commission staff opened 43 new cases in October and 47 new cases in November.
- Administrative Dismissals: Commission staff administratively dismissed 32 cases in October and 26 cases in November.
- Pre-determination Settlements: During the months of October and November, investigators were responsible for obtaining settlements in 15 cases resulting in a total monetary relief in excess of \$129,962.

LITIGATION: Commissioners agreed to move this item to later in the agenda and go into Executive Session.

NEW BUSINESS:

Executive Director Patricia Ryan provided Commissioners a copy of the Government Evaluation Act Agency Program Evaluation Report submitted for the review of the Joint Standing Committee on Judiciary sometime in early 2010 in the Second Regular Session.

Executive Director Patricia Ryan summarized the costs for providing security services at commission meetings, the information will be placed on file for future reference.

Executive Director Patricia Ryan introduced an item remaining from the October 26, 2009, Commission meeting regarding voting in public session on two cases heard in Executive Session due to confidentiality provisions in a consent decree.

Commissioner Fredette moved, seconded by Commissioner Chandler to find no reasonable grounds in case PA08-0261, and to ratify the administrative dismissal of that complaint based on the finding; and to ratify the tabling of PA08-0262 from the October 26th meeting pending further investigation. 3 in favor; 2 abstained (Vestal, Thompson).

CASES VOTED ON:

Commissioner Kenneth Fredette arrived at 8:53 AM.

E08-0307: Kevin Michaud (Bangor) v. G.M. Pollack & Sons (Scarborough): Attorney Maria Fox restated the position of the Complainant. Attorney Charlie Einseidler restated the position of the Respondent. Investigator Sheila Pierce restated the facts of the case. Commissioner Perry moved, seconded by Commissioner Chandler to find no reasonable grounds to believe that the Respondent, The Pollack Corporation, unlawfully terminated Complainant, Kevin Michaud, because of his physical or mental disability. 3 in favor | 1 opposed (Thompson) | 1 abstained (Fredette)

E09-0003: Robert Henderson (Readfield) v. Pure-Stat Technologies, Inc. (Lewiston): Robert Henderson restated the position of the Complainant. Attorney Robert Kline restated the position of the Respondent. Investigator Sheila Pierce restated the facts of the case. Commissioner Fredette moved, seconded by Commissioner Thompson to find no reasonable grounds to believe that the Respondent, Pure-State Technologies, Inc., laid off Complainant, Robert Henderson, because of his age or history of a physical disability. 5 in favor | 0 opposed.

H09-0171(A-C): Rozmarie Lau (Portland) v. Burnham Arms, LLC ET AL (Scarborough): Attorney Maureen Boston restated the position of the Complainant. Michael Burnham restated the position of the Respondent. Field Investigator Angela Tizon restated the facts of the case. Commissioner Perry moved, seconded by Commissioner Chandler to find *no* reasonable grounds to believe that Burnham Arms, LLC; MPB Properties or Gary Wilcox discriminated against Rozmarie Lau on the basis of perceived sexual orientation, disability or sex by subjecting her to a hostile housing environment. 5 in favor | 0 opposed.

H09-0258: Linda Alexander (Augusta) v. Eugene & Jeannine Roberts (S Portland) Attorney Maureen Boston restated the position of the Complainant. Attorney Charles Kahill restated the position of the Respondent. Field Investigator Angela Tizon restated the facts of the case. Commissioner Chandler moved, seconded by Commissioner Perry to find no reasonable grounds to believe that Eugene and Jeannie Roberts discriminated against Linda Alexander on the basis of sex, disability or receipt of public assistance. 4 in favor | 0 opposed | 1 abstained (Thompson).

At 10:21 Commissioner Vestal called for a 10 minute break.

H09-0379/380/381: Tyechia Bauld (Portland) v. Munjoy Family Apartments, LLC (Portland). Attorney Maureen Boston restated the position of the complainant. Attorney David Chamberlin restated the position of the Respondent. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Chandler moved, seconded by Commissioner Thompson to find no reasonable grounds to believe that the Respondent, John Breem, coerced, intimidated, threatened, or interfered with the

Complainant, Tyechia Bauld, in the enjoyment of a dwelling on the basis of race, color, and sex. 5 in favor, 0 opposed. Commissioner Chandler moved, seconded by Commissioner Fredette to find no reasonable grounds to believe that the Respondents, Richard S. Harris, Jr. or Munjoy Family Apartments, LLC, Breem, discriminated against Complainant on the basis of race, color or sex. 5 in favor | 0 opposed.

EXECUTIVE SESSION:

Commissioner Chandler moved, seconded by Commissioner Perry to move into executive session to discuss litigation with Commission Counsel pursuant to 1 M.R.S.A. §405(6)(E). 5 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Perry, to move out of executive session. 5 in favor | 0 opposed.

- Commissioner Chandler moved, seconded by Commissioner Perry to **file** a complaint in case *E08-0104 Bethany Anderson v. State of Maine, Maine Public Employees Retirement System*. 4 in favor | 1 opposed (Fredette) | 0 abstained.
- Commissioner Chandler moved, seconded by Commissioner Thompson to **file** a complaint in case *PA07-0688: Zinke v. Eastern Frontier Education Foundation*. 4 in favor | 1 opposed (Fredette) | 0 abstained.
- Commissioner Chandler moved, seconded by Commissioner Fredette not to file a complaint in case *E08-0056 Ernest Donatelli v. Annabelle Lee, Inc.* 5 in favor | 0 opposed | 0 abstained.
- Commissioner Chandler moved, seconded by Commissioner Fredette not to file a complaint in case *E08-0028 Nicolette McGinley v. Home Depot USA, Inc.* 5 in favor | 0 opposed | 0 abstained.
- Commissioner Chandler moved, seconded by Commissioner Fredette not to file a complaint in case *PA08-0059/PA080260 Wayne Draper v. Augusta Police Department*. 5 in favor | 0 opposed | 0 abstained.
- Commissioner Chandler moved, seconded by Commissioner Fredette not to file a complaint in case *E08-0294 Tonya Psarros v. Concurrence LLC*. 5 in favor | 0 opposed | 0 abstained.
- Commissioner Chandler moved, seconded by Commissioner Fredette not to file a complaint in case *E08-0193, Janet Peaselee-Hilenski v. McCain Foods USA*. 5 in favor | 0 opposed | 0 abstained.
- Commissioner Chandler moved, seconded by Commissioner Fredette not to file a complaint in case *E08-0454, Sheena Grant V. Alpine Linen Services, Inc.* 5 in favor | 0 opposed | 0 abstained.

Commissioners began a discussion of case analysis, led by Commission Counsel John Gause.

At 12:00PM Chair Vestal called for a one hour lunch recess.

PUBLIC HEARING: Chair Vestal called the meeting to order at 1:00 PM. Chair Vestal opened the public hearing on proposed revisions to MHRC Procedural Rules Chapter 2; Chapter 4-A; and Chapter 9. No parties attended to present oral or written testimony. Chair Vestal adjourned the public hearing at 1:05 PM.

Commissioners continued discussion of case analysis, followed by discussion of investigative methods, led by Chief Investigator Barbara Lelli.

ADJOURN:

There being no further business to come before the commission, the meetings was adjourned at 2:15 PM. p.m.

CONSENT AGENDA:

The consent agenda is a listing of cases scheduled on the Commission's meeting agenda in which there is no written disagreement to the Investigator's recommendation. Commissioners consider these cases without oral argument by the parties.

E08-0024:	Earl Richardson (Franklin) v. Harold MacQuinn, Inc. (Ellsworth)	NRG
E08-0128:	Sarah Sawyer (Westbrook) v. Lollipop Lane Educare (Westbrook)	NRG
E08-0196:	Maurizio Mesiti (Poland) v. Secret Acres Stables, Inc. (Naples)	NRG
E08-0275:	Susan Dugal o/b/o Nathaniel Dugal (Limestone) v. Barnstormers Cafe (Limestone)	NRG
PA08-0323:	Thomas Moulton (Westbrook) v. SOM//Maine State Prison (Thomaston)	NRG
E08-0326:	Adrian Smith (Bowdoinham) v. Brunswick Clipper Mart (Brunswick)	NRG
E08-0341:	Beverly Cowan (Rockland) v. Waldo County General Hospital (Belfast)	NRG
E08-0355:	Amanda (Webber) Bowden (Springvale) v. Omnicare of Maine (Westbrook)	NRG
E08-0411:	Joelle Leeks (Cape Elizabeth) v. Roche Laboratories, Inc (NJ)	NRG
E08-0411A:	Joelle Leeks (Cape Elizabeth) v. G. McIntosh (NJ)	NRG
E08-0469:	Darcy Pinette (Chapman) v. Northeast Publishing Company (Presque Isle)	RG
E08-0510:	Cheryl Hart (Belgrade) v. State of Maine/Dept. of Labor (Augusta)	NRG
E08-0573:	Daniel Kuevi Akoe (Wells) v. Target Corporation (S Portland)	NRG
E08-0636:	Michael Shaw (Scarborough) v. Nestle Waters North America, Inc. (Poland Spring)	NRG
E08-0637:	Michael Shaw (Scarborough) v. Work Opportunities Unlimited/Leddy Group (NH)	NRG
H09-0032:	Mychal Gheen (AZ) v. Eaton Apartments (Biddeford)	NRG
E09-0172:	Alfred Eklund (Steuben) v. Cherryfield Foods, Inc. (Cherryfield)	NRG
H09-0328:	Lorraine Larrabee (Auburn) v. PropSys Management (Lewiston)	NRG