



# Maine Human Rights Commission

# 51 State House Station | Augusta ME 04333-0051

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Amy M. Sneirson  
*Executive Director*

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*Commission Counsel*

## COMMISSION MEETING MINUTES

*19 Union Street ~ Augusta, Maine*

**January 23, 2012**

Commissioner Chandler called the January 23, 2012 Commission meeting to order at 8:30 a.m. Present were Commissioners: Sallie Chandler, A. Mavourneen Thompson, Deborah Whitworth and Arnold Clark.

Commissioner Chandler called for adoption of the agenda.

- Executive Amy Sneirson requested that case PA10-0173, Marianne McGettigan v. Town of Freeport, be tabled to the March 5, 2012<sup>th</sup> Commission Meeting at the request of the Complainant.
- Executive Amy Sneirson requested that case E11-0205, Shirley Kelderhouse v. Piscataquis Regional YMCA, be tabled to the March 5, 2012<sup>th</sup> Commission Meeting.
- Executive Amy Sneirson requested that case E11-0086, Irene Morton v. Town of Casco, be tabled to the March 5, 2012<sup>th</sup> Commission Meeting.
- Executive Amy Sneirson requested that case H11-0623, Darrell Eaton v. The Housing Foundation, be removed from the Consent Agenda and moved to last on the list of cases to be voted on.

Commissioner Whitworth moved, seconded by Commissioner Thompson, to adopt the agenda as amended. 4 in favor | 0 opposed.

### **CONSENT AGENDA** (see detailed listing on page 5)

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

### **MINUTES:**

Commissioner Whitworth moved, seconded by Commissioner Thompson to adopt the December 12, 2011<sup>th</sup> Commission Meeting Minutes. 4 in favor | 0 opposed.

### **QUARTERLY PROGRAM REVIEW:**

- Inventory Status Report & Resolutions: There were 717 open cases at the end of December 2011. The Commission closed 200 cases during the preceding quarter; 48 of those cases were closed providing some benefit to Complainants. The monetary amount recovered for Complainants during that time period was \$518,509.

- Training/Education: Commissioners reviewed the second quarter report and it was placed on file.
- Litigation - Commissioners agreed to move this item to another part of the agenda when the Commission could go into Executive Session.
- Financial: Commissioners reviewed the quarterly financial report and it was placed in the file.

**ADMINISTRATION:**

Personnel Report: Executive Director Amy Sneirson reviewed the report dated January 17, 2012 noting no significant staff changes. The Compliance Manager position closes today, interviews and hiring should be wrapped up by mid-March. Erin Dooling is a third-year law student joining the Commission as an extern.

**COMPLIANCE:**

Compliance Report: Commissioners reviewed the compliance report and it was placed on file.

**INVESTIGATION:**

- New Charges: Commission staff opened 51 new cases in December.
- Administrative Dismissals: Commission staff dismissed 25 cases in December.
- Pre-determination Settlements: During the month December, staff were responsible for obtaining settlements in 10 cases resulting in total monetary relief in excess of \$ 42,500 for complainants.

**LITIGATION:** Moved to Executive Session.

**NEW BUSINESS:**

At 8:40 AM Commissioner Chandler called for a 7 minute recess.

**CASES VOTED ON:**

E10-0082: David Taylor (Kennebunk) v. Sugarloaf Mountain Corporation (Carabassett Valley): Attorney Leah Rachin restated the position of the Complainant. Attorney Meg LePage restated the position of the Respondent. Commissioner Whitworth moved, seconded by Commissioner Thompson, to find no reasonable grounds to believe that Sugarloaf Mountain Corporation discriminated against David Taylor by refusing him a reasonable accommodation for his disability and no reasonable grounds to believe Sugarloaf Mountain Corporation discriminated against David Taylor on the basis of disability by terminating him. 4 in favor | 0 opposed.

E10-0110: Wilma Rakowsky (Springvale) v. Kindred Healthcare d/b/a Kennebunk Nursing & Rehabilitation Center (Lewiston): Wilma Rakowsky restated the position of the Complainant. Attorney Ella Brown restated the position of the Respondent. Investigator Robert Beauchesne restated the facts of the case. Commissioner Clark moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that the Complainant, Wilma M. Rakowsky was subjected to retaliation by Respondent, Kindred Healthcare d/b/a Kennebec Nursing & Rehabilitation Center, as a result of the Complainant's whistleblowing. 4 in favor | 0 opposed.

E10-0111: Michael Mangum (Montana) v. ASTI-KIM Corporation d/b/a Asticou Inn (Northeast Harbor). Complainant was not present. Commissioner Whitworth moved, seconded by Commissioner Thompson, to find no reasonable grounds to believe that ASTI-KIM Corporation d/b/a Asticou Inn discriminated against

Michael Magnum on the basis of disability by terminating him and failing to rehire him for the 2010 season or for terminating his employment and by failing to rehire him for the 2010 season. 4 in favor | 0 opposed.

E10-0415: Deanna Drown (Old Orchard Beach) v. Kindred Nursing Centers West, LLC d/b/a Kennebunk Nursing & Rehabilitation Center (Kennebunk). Complainant was not present. Commissioner Thompson moved, seconded by Commissioner Clark, to find no reasonable grounds to believe that the Respondent, Kennebunk Nursing, terminated Complainant, Deanna Drown's employment because of Whistleblower retaliation. 4 in favor. | 0 opposed.

E11-0122/E11-0123: Michael Hein (Augusta) v. Christian Civic League of Maine (Augusta) and Christian Education League (Augusta): Michael Hein restated the position of the Complainant. Attorney Frank McGuire restated the position of the Respondents. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Clark, to find that there are no reasonable grounds to believe that the Christian Civic League of Maine or the Christian Education League terminated Complainant Michael Hein's employment because of whistleblower retaliation and no reasonable grounds to believe that the Respondents retaliated against Complainant for having filed this complaint of employment discrimination. 4 in favor | 0 opposed.

At 10:15 Sallie Chandler called for a 5 minute break

The following case was taken out of order.

H11-0623: Darrell Eaton (Bangor) v. The Housing Foundation (Orono): Attorney Patricia Ender restated the position of the Complainant. Attorney Mark Beaumont restated the position of the Respondent. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Thompson moved, seconded by Commissioner Clark, to find no reasonable grounds to believe The Housing Foundation subjected the Complainant, Darrell W. Eaton, to disability discrimination or retaliation. 4 in favor | 0 opposed.

E11-0202: Anne Smith (Bridgton) v. Bonnie Sendzicki, D.O., P.A. (Waterford): Ed Smith restated the position of the Complainant. Attorney Scott Quigley restated the position of the Respondent. Investigator Angela Tizón restated the facts of the Case. Commissioner Whitworth moved, seconded by Commissioner Thompson, to find no reasonable grounds to believe that Bonnie Sendzicki, D.O., P.A. retaliated against Anne Smith in violation of the WPA by terminating her after she complained of illegal activity by Respondent. 4 in favor | 0 opposed.

PA11-0243: Lorna Kuzina (Levant) v. Ralph Guay, Jr. d/b/a Eagles Nest Restaurant (Brewer): Attorney Kristin Aiello restated the position of the Complainant. Attorney Scott Giese restated the position of the Respondent. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Thompson moved to find reasonable grounds to believe that the Respondent, Ralph Guay, Jr., discriminated against the Complainant, Lorna Kuzina, by refusing to provide her with reasonable modifications or by telling her to leave the restaurant because of disability discrimination. Motion was not seconded, motion did not pass. Commissioner Whitworth moved, seconded by Commissioner Clark, to find no reasonable grounds to believe that the Respondent, Ralph Guay, Jr., discriminated against the Complainant, Lorna Kuzina, by refusing to provide her with reasonable modifications or by telling her to leave the restaurant because of disability discrimination. 3 in favor | 1 opposed (Thompson opposed).

E11-0277: Robert Simpson (Gardiner) v. Hannaford Bros. Co. (Portland): Robert Simpson restated the position of the Complainant. Attorney Meg LePage restated the position of the Respondent. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Thompson, to find no reasonable grounds to believe that the Respondent unlawfully discriminated against Complainant based on religion. 4 in favor | 0 opposed.

H11-0338/H11-0339: Joseph Bonaddio & Bill Paquet (Waldoboro) v. Realty Resources Management, Inc. (Rockport) and Christine Chapman (Waldoboro): Attorney Andrews Campbell restated the position of the Complainant. Attorney Chad Cloutier restated the position of the Respondent. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Thompson moved, seconded by Commissioner Clark, to find reasonable grounds to believe that Respondent Realty Resources Management is liable for allowing the Complainants, Joseph Bonaddio II and William Paquet, to be subjected to a hostile housing environment based on sexual orientation. 3 in favor | 1 opposed (Whitworth opposed). Commissioner Clark moved, seconded by Commissioner Thompson, to find no reasonable grounds to believe that Respondent Christine Chapman is liable for the hostile housing environment based on sexual orientation. 4 in favor | 0 opposed.

E11-0455: Jalee Soucie (Augusta) v. Margarita's Management Group, Inc. (Augusta): Jalee Soucie restated the position of the Complainant. Attorney Debra Ford restated the position of the Respondent. Commission Intern Tracie Leigh restated the facts of the case. Commissioner Clark moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that the Respondent, Margarita's Management Group, Inc., terminated Complainant Jalee Soucie's employment because of mental disability or sexual orientation. 4 in favor | 0 opposed.

At 12:40 Commissioner Chandler called for a 5 minute break.

H11-0529: James Parham (Portland) v. Saco River Realty LLC d/b/a Saco River Associates (Biddeford): Complainant was not present. Commissioner Whitworth moved, seconded by Commissioner Clark, to find no reasonable grounds to believe that Saco River Realty LLC d/b/a discriminated against James Parham by refusing to rent to him. 4 in favor | 0 opposed.

H11-0610: Angel Walker & John Pierce & o/b/o minor children (Portland) v. NAA Properties, LLC & Sheldon Ashby (Portland) : Attorney Patricia Ender restated the position of the Complainant. Respondent was not present. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Clark moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that the Respondents, NAA Properties, LLC and Sheldon Ashby, refused to rent to Complainants, Angel Walker, John Pierce, and Ms. Walker's children, because of the service animal in their household. 4 in favor | 0 opposed.

#### **EXECUTIVE SESSION:**

Commissioner Chandler moved, seconded by Commissioner Thompson, to move into executive session at 1:06 p.m. to discuss litigation with Commission Counsel pursuant 1 M.R.S.A.§405(6)(E). 4 in favor | 0 opposed.

Commissioner Whitworth stepped out of the meeting.

At approximately 1:26 p.m. the Commission moved to come out of executive session. Commissioner Clark moved, seconded by Commissioner Thompson. 3 in favor | 0 opposed.

Commissioner Clark moved, seconded by Commissioner Thompson, that the Commission **should not file** a complaint in E10-0532: Tim Trask v. Swish Kenco LTD. 3 in favor | 0 opposed.

Commissioner Clark moved, seconded by Commissioner Thompson, that the Commission **should not file** a complaint in E10-0253: Daniel E. Harnden v. On the Edge Chipping. 3 in favor | 0 opposed.

#### **ADJOURN:**

There being no further business to come before the Commission, the meeting was adjourned at 1:35 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.

E10-0081: Jessica Magoon (Waterford) v. Hawthorn Retirement Group, LLC Portland Assisted Living, LLC d/b/a Birchwoods at Canco (Portland)	NRG
E10-0158: Donald Wolph (Troy) v. Home, Hope & Healing (Smithfield)	NRG
E10-0214: Diana Mouzas (Kennebunkport) v. Fraternal Order of Eagles, Aerie # 4392 (Waterboro)	NRG
E10-0240: Debbie A. Malcom (Waterboro) Fraternal Order of Eagles, Aerie # 4392 (Waterboro)	NRG
E10-0241: Reginald Washby (Westbrook) v. SIGCO, Inc. (Westbrook)	NRG
E10-0247: Lindsay LaPointe (Blaine) v. RH Roster Energy, LLC (Hampden)	NRG
E10-0364: Blin Rollins II (Solon) v. Webber Energy Fuels (Bangor)	NRG
E10-0405: Stacey Tibbetts (Addison) v. KidsPeace New England (Ellsworth)	RG
E10-0539: Amy Knox (Biddeford) v. DE Donuts, Inc. d/b/a Dunkin Donuts (Biddeford)	NRG
E10-0541: Angela Spencer (Poland Spring) v. HC Watson Corporation d/b/a Interim Healthcare (Danvers, MA)	NRG
E10-0616: Kostas Denbow (Portland ) v. City of Portland (Barron Center) (Portland)	NRG
E11-0015: Herbert Burns (Augusta) v. Kennebec Behavioral Health (Waterville)	NRG
E11-0092: John Auclair (Warren) v. Corizon, Inc. f/k/a Correctional Medical Services, Inc. (Charleston)	NRG
E11-0118: Anna Bragdon (South Portland) v. LL Bean, Inc. (Freeport)	NRG
E11-0195: Richard Burdick (Warren) v. State of Maine Department of Corrections (Augusta)	NRG
E11-0426: Marlyn Rivera (Westbrook) v. Tequila Restaurants, Inc. d/b/a Fajita Grill (Westbrook)	NRG
H11-0449: Laureene McQuade (Kittery) v. Norma Rice Irrevocable Trust (Kittery)	NRG
H11-0624: Darrell Eaton (Bangor) v. Broadway Housing, Inc. (Orono)	NRG