



Maine Human Rights Commission

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COMMISSION MEETING MINUTES

19 Union Street ~ Augusta, Maine

January 14, 2013

Commissioner Vestal called the January 14, 2013 Commission meeting to order at 8:29 a.m. Present were Commissioners Paul Vestal, Sallie Chandler, Deborah Whitworth, and Arnold Clark.

Commissioner Vestal called for adoption of the agenda.

- Executive Director Amy Sneirson requested that case E11-0037, Boardman v. Sweetser be removed from the agenda as the case has been resolved by the parties.
- Executive Director Amy Sneirson requested that case E12-0063, Barnes v. Commercial Delivery System be removed from the agenda as the case has been resolved by the parties.
- Executive Director Amy Sneirson requested that case E12-0108, Scott v. Eddington Store LLC/Gary Michelle Pelletier taken last on the agenda to accommodate Complainant's counsel's schedule.
- Commissioner Chandler moved, seconded by Commissioner Clark, to adopt the agenda as amended. 4 in favor | 0 opposed.

CONSENT AGENDA (see detailed listing on page 5)

- Executive Director Amy Sneirson presented Complainant's written request that the Commissioners either table or consider his untimely submission in cases E11-0043, Christensen v. The Village restaurant and E11-004, Christensen v. Mary Sue Murphy. Commissioner Chandler moved, seconded by Commissioner Clark, to deny the request. 4 in favor | 0 opposed.
- Commissioner Chandler moved, seconded by Commissioner Whitworth, to accept the Investigator's recommendations in each of the cases on the amended Consent Agenda. 4 in favor | 0 opposed.

MINUTES:

Commissioner Chandler moved, seconded by Commissioner Clark, to adopt the December 17, 2012 Commission Meeting Minutes. 4 in favor | 0 opposed.

QUARTERLY PROGRAM REVIEW:

- Inventory Status Report & Resolutions: There were 708 open cases at the end of December 2012. The Commission closed 174 cases during the preceding quarter.
- Training/Education: Commissioners reviewed the quarterly report indicating that staff participated in 5 training sessions.
- 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 reported that there were no significant personnel changes at the Commission since the December Commission meeting. More than 50 Applications were received for the open Human Rights Investigator position.

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

INVESTIGATION:

New Charges: Commission staff opened 46 new cases in December 2012.

Administrative Dismissals: Commission staff dismissed 22 cases in December 2012.

Pre-determination Settlements: Since December 17th, 2012, staff was responsible for obtaining settlements in 6 cases resulting in total monetary relief in excess of \$22,050 for complainants.

NEW BUSINESS:

Legal Counsel John P. Gause reviewed the status of the Proposed Rule Amendments to Chapter 2, the Commission Procedural rule, and Chapter 8, the Commission Housing Regulations.

LITIGATION: Moved to after Executive Session.

At 8:37 AM Commissioner Vestal called for a seven-minute recess.

CASES VOTED ON:

E10-0565: Kyle Belch (Thorndike) v. Home Depot U.S.A., Inc. (Bangor): Attorney Joseph McConnell restated the position of the Respondent. Attorney Matthew Keegan restated the position of the Complainant. Investigator Angela Tizon restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that the Home Depot U.S.A. Inc. discriminated against Kyle Belch on the basis of race/religion by subjecting him to a hostile work environment and by terminating his employment. 4 in favor | 0 opposed. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that the Home Depot U.S.A. Inc. retaliated against Kyle Belch by subjecting him to less favorable terms and conditions of employment and by terminating his employment after he complained of unlawful harassment. 4 in favor | 0

opposed. Commissioner Whitworth moved, seconded by Commissioner Vestal, to find no reasonable grounds to believe that Home Depot U.S.A., Inc. discriminated against Kyle Belch on the basis of disability by terminating his employment. 2 in favor | 2 opposed (Clark and Chandler opposed); the motion failed. Commissioner Clark moved, seconded by Commissioner Chandler, to find reasonable grounds to believe that the Home Depot U.S.A., Inc. discriminated against Kyle Belch on the basis of disability by terminating his employment. 2 in favor | 2 opposed (Whitworth and Vestal opposed); the motion failed. The Commission did not find reasonable grounds to believe that discrimination based on disability occurred.

E11-0042: Preston Williams (West Gardiner) v. Compounding Solutions, LLC (Lewiston). Attorney David Webbert restated the position of the Complainant. Attorney Michael Poulin restated the position of the Respondent. Investigator Angela Tizon restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Clark, to find no reasonable grounds to believe that Compounding Solutions, LLC discriminated against Preston Williams in violation of the Whistleblowers' Protection Act by terminating his employment after he complained of unlawful and unsafe activity in the workplace. 4 in favor | 0 opposed. Commissioner Whitworth moved, seconded by Commissioner Chandler, to believe that Compounding Solutions, LLC retaliated against Preston Williams in violation of the WPA by terminating his employment after he complained of unlawful and unsafe activity in the workplace. 3 in favor | 1 opposed (Clark opposed).

E11-0063: Michael Gray (Orono) v. Smart Management, Inc. d/b/a Discovery House WC, Inc. (Providence, RI.) Attorney Melinda Caterine restated the position of the Respondent. Complaint was not present. Investigator Barbara Lelli restated the facts of the case. Commissioner Clark moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Respondent Smart Management, Inc. d/b/a Discovery House subjected Complainant Michael W. Gray's employment to sexual orientation harassment (hostile work environment) based on perceived sexual orientation or to believe that Respondent Smart Management, Inc. d/b/a Discovery House terminated Complainant Michael W. Gray's employment because of retaliation. 4 in favor | 0 opposed.

E11-0555: Leigh Charest (Westbrook) v. Girl Scouts of Maine, Inc. (South Portland). Complainant was not present. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Complainant Leigh Charest was subject to unlawful disability discrimination in employment (terminated) by Respondent Girls Scouts of Maine. 4 in favor | 0 opposed.

E12-0108: Denise Scott (Eddington) v. Eddington Store, LLC/Gary & Michelle Pelletier (Eddington). Attorney Edward Gould restated the position of the Respondent. Attorney Lisa Butler restated the position of the Complainant. Legal Extern Mark Coursey restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Vestal, to find no reasonable grounds to believe that Respondent Eddington Store, LLC, is liable for unlawful sexual harassment against Complainant Denise Scott, which led to a constructive discharge. 2 in favor | 2 opposed (Chandler, Clark opposed); the motion failed. Commissioner Clark moved, seconded by Commissioner Chandler, to find reasonable grounds to believe that Respondent Eddington Store, LLC, is liable for unlawful sexual harassment against Complainant Denise Scott, which led to a constructive discharge. 2 in favor | 2 opposed. (Vestal, Whitworth opposed); the motion failed. The Commission did not find reasonable grounds to believe that Respondent Eddington Store, LLC, was liable for unlawful sexual harassment against Complainant Denise Scott, which led to a constructive discharge. Commissioner Clark moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Respondent Eddington Store, LLC, is liable for unlawful Whistleblowers' Protection Act discrimination or retaliation and no reasonable grounds to believe that Respondents Gary Pelletier and Michele Pelletier are individually liable under the Maine Human Rights Act or the Whistleblowers' protection Act. 4 in favor | 0 opposed.

E12-0302: Carl Ripley (Stetson) v. North Maine Woods, Inc. (Ashland). Carl Ripley restated the position of the Complainant. Albert Copperthwaite restated the position of the Respondent. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Clark, to find no reasonable grounds to believe that Respondent North Maine Woods subjected Complainant Carl N. Ripley to sexual harassment or terminated his employment because of his membership in a protected class under the Maine Human Rights Act. 4 in favor | 0 opposed.

EXECUTIVE SESSION:

Commissioner Chandler moved, seconded by Commissioner Clark, to move into executive session at 11:13 a.m. to discuss litigation with Commission Counsel pursuant 1 M.R.S.A. §405(6)(E). 4 in favor | 0 opposed.

At approximately 11:37 a.m. Commissioner Chandler moved, seconded by Commissioner Whitworth, to come out of executive session. 4 in favor | 0 opposed.

LITIGATION:

Commissioner Chandler moved, seconded by Commissioner Clark, for the Commission to file a court complaint in the “reasonable grounds” case H12-0287, Margaret Visconti v. Chris Menard (subject to a racially hostile housing environment). 4 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Whitworth, for the Commission not to file a complaint in the “reasonable grounds” case E10-0490, Vicki Dill v. Town of West Gardiner (failure to promote to Fire Chief because of sex; retaliation). 4 in favor | 0 opposed.

ADJOURN:

There being no further business to come before the Commission, Commissioner Chandler moved, seconded by Commissioner Whitworth, to adjourn the meeting. 4 in favor | 0 opposed.

The meeting was adjourned at 11:52 PM.

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

CONSENT AGENDA

E11-0043:	Mac Christiensen (Jonesboro) v. The Village Restaurant (Lubec)	NRG
E11-0044:	Mac Christiensen (Jonesboro) v. Mary Sue Murphy (Lubec)	NRG
E11-0099:	Audreya Cobb (Portland) v. Northern Pride Auto Wash, Inc. (Portland)	NRG
E11-0117:	Jocelyn O’Keefe (Yarmouth) v. Three Sons Fishing, LLC & Stuart Norton Portland)	RG
E11-0124:	Joyce Beres (Buxton) v. Maine Family Eye Care (South Portland)	NRG
E11-0231:	Mia Crawford f/k/a Arnold (Portland) v. Mortgage Network, Inc. (Danvers, MA)	NRG
E11-0256:	Cassandra Maziarz (Bucksport) v. Rand Dentistry, LLC (Brewer)	NRG
E11-0597:	Cheryl Archambault (Waterboro) v. Maine Surgical Care Group, P.A. (Portland)	NRG
E11-0612:	Ryan Cook (Vassalboro) v. Waterville Window Company, Inc. (Waterville)	NRG
E11-0685:	Robert Beaugard (Lewiston) v. LePage Bakeries, Inc. (Auburn)	NRG
E11-0707:	Andrea Tardif-Brann (Vassalboro) v, Notify MD d/b/a Stericycle Corp. (Winthrop)	NRG
E12-0097:	Kristine Munson (Bangor) v. St. Joseph Hospital (Brewer)	NRG
E12-0098:	Kristine Munson (Bangor) v. Patricia Brezovsky (Brewer)	NRG
E12-0099:	Kristine Munson (Bangor) v. Marilyn Kenyon (Brewer)	NRG
E12-0201:	David Guignard (Sanford) v. Flemish Master Weavers (Sanford)	NRG
H12-0456:	Crystal Thompson & Johnny Green (Lewiston) v. Stephen & Elisa Gaul (Minot)	NRG