



Maine Human Rights Commission

51 State House Station, Augusta, ME 04333-0051

Physical location: 19 Union Street, Augusta, ME 04330

Phone (207) 624-6290 □ Fax (207) 624-8729 □ TTY: Maine Relay 711

www.maine.gov/mhrc

Amy M. Sneirson
EXECUTIVE DIRECTOR

Barbara Archer Hirsch
COMMISSION COUNSEL

COMMISSION MEETING MINUTES

19 Union Street ~ Augusta, Maine

November 17, 2014

Commission Chair Arnold Clark called the November 17th Commission meeting to order at 8:29 a.m. Present were Commissioners Arnold Clark, Sallie Chandler, John Norman, Deborah Whitworth, and A. Mavourneen Thompson.

AGENDA

Commission Chair Clark called for adoption of the Agenda and Consent Agenda. Commissioner Whitworth moved, seconded by Commissioner Thompson, to adopt the agenda as amended and to accept the Investigator's recommendations in each of the cases on the Consent Agenda. 5 in favor | 0 opposed (see detailed listing on page 4). 5 in favor | 0 opposed.

MINUTES

Commissioner Thompson moved, seconded by Commissioner Whitworth, to adopt the October 6, 2014 Commission Meeting Minutes. 4 in favor | 0 opposed | 1 abstained (Chandler abstained).

ADMINISTRATION

Personnel Report: Executive Director Amy Sneirson reported that there were no personnel changes so no report was issued.

COMPLIANCE

Commissioners reviewed the compliance report showing one successful conciliation, two unsuccessful conciliations, and two conciliations in progress. It was placed on file.

Commissioner Chandler moved, seconded by Commissioner Norman, to approve the conciliation agreement in H14-0047, Kline v. Mercer Properties. 5 in favor | 0 opposed.

INVESTIGATION

New Charges: Commission staff opened 63 new cases in October.

Administrative Dismissals: The Executive Director administratively dismissed 31 cases in October.

Pre-determination Settlements: Since October 6th, 10 cases resulted in settlements with total monetary relief in excess of \$80,000 for complainants.

Executive Director Amy Sneirson requested the remaining business (litigation, new business) be taken after the morning cases were heard on the agenda.

At 8:37 Commissioner Chair Clark called for a 4 minute recess.

CASES VOTED ON 8:45 A.M.:

PA13-0635: Kenneth Stanhope (Dennysville) v. Helen's Restaurant of Machias, Inc. d/b/a Helen's Restaurant. Attorney John Topchik restated the position of the Respondent. Complainant was not present. Investigator Michele Dion restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find Reasonable Grounds to believe that Respondent Helen's Restaurant of Machias, Inc. d/b/a Helen's Restaurant discriminated against Kenneth Stanhope by asking impermissible questions concerning whether his dog was a service animal. 2 in favor | 3 opposed (Thompson, Norman and Clark opposed); without a majority in favor, the finding is no reasonable grounds. Commissioner Thompson moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Respondent Helen's Restaurant of Machias, Inc. d/b/a Helen's Restaurant discriminated against Kenneth Stanhope by denying him access to a place of public accommodation. 4 in favor | 1 opposed (Chandler Opposed).

E13-0434: Adam Clark (Hancock) v. Geddy's Pub d/b/a Geddy's Down Under Gift Shop (Bar Harbor). Attorney Thad Zmistowski and Gift Shop Manager restated the position of the Respondent. Attorney Kristin Aiello restated the position of the Complainant. Investigator Michele Dion restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find REASONABLE GROUNDS to believe that Respondent Geddy's Pub d/b/a Geddy's Down Under Gift Shop discriminated against Complainant Adam Clark in terminating his employment because of physical disability. 4 in favor | 1 opposed (Thompson opposed).

At 10:06 a.m. Commissioner Clark called for a five minute recess.

E14-0011: Allina Diaz (Auburn) v. Moody's Restaurant, Inc., d/b/a Moody's Diner (Waldoboro). Attorney Robert Brooks restated the position of the Respondent. Attorney Rebecca Webbert restated the position of the Complainant. Investigator Michele Dion restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find REASONABLE GROUNDS to believe that Respondent Moody's Restaurant, Inc., d/b/a Moody's Diner discriminated against Complainant Allina Diaz in employment on the basis of religion by creating a hostile work environment. 4 in favor | 1 opposed (Thompson opposed). Commissioner Chandler moved, seconded by Commissioner Whitworth, to find REASONABLE GROUNDS to believe that Respondent Moody's Restaurant, Inc., d/b/a Moody's Diner discriminated against Complainant Allina Diaz in employment on the basis of religion in the terms and conditions of her employment. 4 in favor | 1 opposed (Thompson opposed). Commissioner Chandler moved, seconded by Commissioner Thompson, to find REASONABLE GROUNDS to believe that Respondent Moody's Restaurant, Inc., d/b/a Moody's Diner retaliated against Complainant Allina Diaz for asserting her rights under the MHRA. 5 in favor | 0 opposed.

H14-0304: Pine Tree Legal Assistance, Inc. (Portland) v. Michelle Lam (Farmington). Attorney Ronald Cullenberg restated the position of the Respondent. Attorney Jill Hunter restated the position of the Complainant. Investigator Vickie Ternig restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find reasonable grounds to believe that Respondent Michelle Lam discriminated in housing on the basis of familial status in violation of the Maine Human Rights act. 2 in favor | 3 opposed (Thompson, Clark, Norman opposed); without a majority in favor, the motion failed and the finding was no reasonable grounds.

NEW BUSINESS

Executive Director Amy Sneirson informed the Commissioners that a "Housing and Domestic Violence Commission" suggested that it would introduce legislation to (among other things) add "victims of domestic violence" to the MHRA's list of protected classes in housing. The Commissioners reviewed the proposal and discussed the valuable public policy to be served by preserving housing for victims of domestic violence who might otherwise be penalized for disputes/damage/police presence at the housing premises. Commissioners

expressed concern about the broad definitions in the provided proposal, which would provide MHRA protections in housing to anyone who even claims to have been subjected to stalking or domestic violence ; this would likely lead to huge increases in MHRC filings and difficult “trials within trials” in MHRC housing cases.

EXECUTIVE SESSION:

At 12:26 p.m. Commissioner Chandler moved, seconded by Commissioner Whitworth, to move into executive session to discuss litigation with Commission Counsel pursuant 1 M.R.S. §405(6)(E). 5 in favor | 0 opposed.

At approximately 12:25 p.m. Commissioner Whitworth moved, seconded by Commissioner Norman, to come out of executive session. 5 in favor | 0 opposed.

LITIGATION:

The Commissioners did not vote on any litigation matters.

ADJOURNMENT:

There being no further business to come before the Commission, Commissioner Whitworth moved, seconded by Commission Chair Clark, to adjourn the meeting the meeting at 12:32 PM. 5 in favor | 0 opposed.

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

E13-0017:	Marc Perry (Brewer) v. Getchell Brothers, Inc. (Brewer)	NRG
E13-0039:	Lottie Thiboutot (Topsham) v. American Apple Group, LLC (San Francisco, CA)	NRG
E13-0078:	Gary Tondreau (Augusta) v. City of Augusta (Augusta)	NRG
E13-0175:	Robert Campbell (Bangor) v. Sea Dog Ventures, Inc., Sea Dog Brewing Company (Bangor)	NRG
E13-0185:	The Estate of Steven Dupras (Alfred) v. Town of Lyman, Fire Department (Lyman)	NRG
E13-0186:	Anne McCarthy (Clinton) v. Assistance Plus (Benton)	NRG
E13-0367:	Tammy Kilton (Sanford) v. SironaHealth, Inc. (South Portland)	NRG
E13-0388:	Roann Hildreth f/k/a Duffy (Norway) v. Poland Spring Resort (Poland)	NRG
E13-0597:	Jane Estes (Monmouth) v. Carrols Corporation d/b/a Burger King (Syracuse, NY/Augusta)	NRG
E13-0602:	Rhonda Nicholson (Gorham) v. TD Bank, N.A. (Gorham)	NRG
E13-0742:	Diannah Peebles (Pelermo) v. State of Maine, Department of Administrative & Financial Services, Maine Revenue Services (Augusta)	NRG