



Maine Human Rights Commission

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COMMISSION MEETING MINUTES

19 Union Street ~ Augusta, Maine

June 27, 2016

Commissioners A. Mavourneen Thompson and Deborah Whitworth were absent. Present were Commissioners Clark, John Norman, and Theodore Helberg. Commission Chair Arnold Clark called the meeting to order at 8:31 a.m. .

AGENDA

Commissioner Chair Clark called for adoption of the Agenda and Consent Agenda.

Executive Director Amy Sneirson presented post finding requests for withdrawal in the following cases:

- E14-0702: Gayle L. Flye (Newport) v. Town of Palmyra (Palmyra)
- H16-0001: Rhoda Shepherd and Khaled Shepherd (Brewer) v. Linkview Motel (Orono)

Commissioner Helberg moved, seconded by Commissioner Norman, to deny the requests for withdrawal. 3 in favor | 0 Opposed.

Commissioner Norman moved, seconded by Commissioner Helberg, to adopt the Agenda and to accept the Investigator's recommendations in each of the cases on the Consent Agenda. 3 in favor | 0 opposed (see detailed listing on page 5).

MINUTES

Commissioner Norman moved, seconded by Commissioner Helberg, to adopt the April 11, 2016 Commission Meeting Minutes. 2 in favor | 0 opposed | 1 abstained (Clark).

ADMINISTRATION

Executive Director Sneirson provided a report on the Commission's personnel, noting that several position vacancies at the Commission have staffers completing additional functions to keep the office functioning while the vacancies are addressed. One investigator vacancy was filled, but the employee left the Commission after three months for other employment. Another Investigator position has become vacant due to the promotion of Alice Neal to Chief Investigator; former Chief Investigator Victoria Ternig left the Commission in May. ED Sneirson reported that two investigator positions are currently vacant and open for applications, and the Commission is also hiring for a full-time paralegal position that was reclassified from what had been a part-time Compliance Manager position. When the Intake Officer position was reclassified (investigators are each serving as Intake Officer of the Day one day per week, eliminating backlogs), Cheryl McAllister left the Commission as well. ED Sneirson reported that the Commission worked with budget and administrative agencies to reclassify these positions, but the Commission was told it would have to wait until completion of next year's budget to do this. At the suggestion of budget and administrative agencies, the Commission submitted a financial order to allow the management-initiated reclassifications to proceed, but the Governor declined to sign the financial order, stating he would wait until the Governor's Executive Order

Review Panel completed its report on the Commission. ED Sneirson reported that the Review Panel had stated that it would likely be finished with its report in July or August.

COMPLIANCE:

Executive Director Sneirson reported that since the last Commission meeting there had been one successful conciliation and 5 unsuccessful conciliations. There are no conciliation agreements to report.

INVESTIGATION:

- **New Charges:** In April, 53 new complaints were filed with the Commission. In May, 57 new complaints were filed with the Commission.
- **Administrative Dismissals:** The Executive Director administratively dismissed 15 cases in April and 21 cases in May.
- **Pre-determination Settlements:** In April and May, 16 cases pending at the Commission were resolved resulting in almost \$187,000 in benefits to complainants.

NEW BUSINESS: Executive Director Sneirson informed the Commission that the agency was currently undergoing its annual review by HUD, and that HUD had previously informed her that it was re-assessing the Maine Human Rights Act's substantial equivalency with the federal Fair Housing Act, even though HUD just re-certified that the laws were substantially equivalent last year. ED Sneirson presented a 2017 Commission Meeting schedule and noted in the past year two Commission meetings had been canceled due to quorum issues, in comparison to former Executive Ryan's report that the Commission had only cancelled meetings twice in the her 36 years with the agency.

At 8:28 AM Commissioner Clark called for a 2 minute recess.

CASES VOTED ON 8:45 A.M.

E14-0323-4: Gary Fisk (Topsham, ME) v. Mid-Coast Presbyterian Church (Topsham, ME) and Presbytery of Northern New England (Londonderry, NH): Attorney Daniel Feldman restated the position of the Complainant. Attorney Michael Buescher restated the position of Respondent Mid-Coast Presbyterian Church. Attorney Mark Franco restated the position of Respondent Presbytery of Northern New England. Investigator Angela Tizon restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Norman, to find no reasonable grounds to believe that Respondents Mid-Coast Presbyterian Church or Presbytery of Northern New England discriminated against Complainant Gary Fisk on the basis of sex or disability by subjecting him to a hostile work environment or that Respondents discharged Complainant in retaliation for protected activity under the MHRA or WPA. 3 in favor | 0 opposed.

E14-0481: Brian Downing (Auburn) v. Select Rehabilitation, Inc. (Northfield, IL). Attorney Diane Walker restated the position of the Respondent. Attorney Rebecca Webber restated the position of the Complainant. Investigator Audrey Gillespie restated the facts of the case. Commissioner Norman moved, seconded by Commissioner Helberg, to find **reasonable grounds** to believe that Respondent Select Rehabilitation terminated Complainant Brian Downing's employment because he engaged in protected activity in violation of the WPA and MHRA. 3 in favor | 0 opposed.

E14-0487: Ellen Saunders (Rockland) v. Maritime Energy (Rockland). Attorney Sarah Churchill restated the position of the Complainant. Attorney Rebecca Webber restated the position of the Respondent. Investigator Robert Beauchsene restated the facts of the case. Commissioner Helbert moved, seconded by Commissioner Norman, to find no reasonable grounds to believe that Complainant Ellen Saunders was discharged from her

employment by Respondent Maritime Energy on the basis of age or disability, or that she was subjected to less favorable terms and conditions of employment because of age. 3 in favor | 0 opposed.

At 10:00 AM Chair Clark called for a two minute break.

E14-0520: Donna M. Levensalor (Pittsfield) v. Beacon Hospice an Amedisys Co. (Baton Rouge, LA). Donna Levensalor restated her position as the Complainant. Respondent was not present. Investigator Robert Beauchesne restated the facts of the case. Commissioner Norman moved, seconded by Commissioner Helberg, to find that there are no reasonable grounds to believe that Complainant Donna M. Levensalor was subjected to unlawful retaliation in violation of the WPA by Respondent Beacon Hospice an Amedisys Co. 3 in favor | 0 opposed.

E14-0543: Anthony Brenton (Ellsworth) v. Walmart (Ellsworth). Anthony Brenton restated his position as the Complainant. Attorney Shiloh Theberge restated the position of the Respondent. Chief Investigator Alice Neal restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Norman, to find no reasonable grounds to believe that Respondent Walmart discriminated against Complainant Anthony Brenton on the basis of sex and/or sexual orientation (gender expression) in violation of the MHRA or that Respondent Walmart retaliated against Complainant Anthony Brenton in violation of the MHRA and WPA. 3 in favor | 0 opposed.

E14-0698-670: Jennifer Toner (Windsor) v. Regional School Unit No. 12/Windsor Elementary School, Margaret Allen and Howard Tuttle (Somerville). Attorney Pat Perrino restated the position of the Complainant. Attorney Elek Miller restated the position of the Respondent. Investigator Angela Tizon restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Norman, to find no reasonable grounds to believe that Respondents Regional School Unit No. 12 / Windsor Elementary School, Margaret Allen and Howard Tuttle retaliated against Complainant Jennifer Toner in for engaging in protected activity under the WPA by subjecting her to less favorable terms and conditions & employment. 3 in favor | 0 opposed.

ED/PA15-0010: Carol Dyar-Eaton on behalf of Minor (Madison) v. Skowhegan Area H.S. (Skowhegan). Complainant did not appear. Commissioner Norman moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that Respondent Skowhegan Area HS discriminated in educational opportunity and/or public accommodations against Complainant Carol Dyar-Eaton obo Minor on the basis of race, national origin, and/or sex. 3 in favor | 0 opposed.

E15-0012: Donald M. Caron (Sidney) v. Cascade Auburn Fiber (Auburn). Respondent John Hamer restated the position of the Respondent. Complainant Donald Caron restated his position as the Complainant. Investigator Audrey Gillespie restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Clark, to find no reasonable grounds to believe that Respondent Cascade Auburn Fiber discriminated against Donald Caron on the basis of age or physical disability. 2 in favor | 1 opposed (Norman). Commissioner Helberg moved, seconded by Commissioner Norman, to find **reasonable grounds** to believe that Cascade Auburn Fiber discriminated against Donald M. Caron on the basis of perceived disability (alcoholism). 2 in favor | 1 opposed (Clark).

E15-0061: Corina Bell (Yarmouth) v. McDonald's (Gardiner). Attorney Sarah Churchill restated the position of the Complainant. Attorney Mark Franco restated the position of the Respondent. Investigator Angela Tizon restated the facts of the case. Commissioner Norman moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that Respondent McDonald's discriminated against Corina Bell on the basis of sex (sexual harassment). 3 in favor | 0 opposed.

E15-0147: Jessie C. Grasso (Denver, CO) v. Standard Baking Co. (Portland). Complainant did not appear. Commissioner Norman moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that Respondent Standard Baking Co. subjected Complainant Jessie C. Grasso to a hostile work environment on the basis of sexual harassment in violation of the MHRA or that it retaliated against Complainant Jessie C. Grasso in violation of the MHRA and WPA after she reported illegal practices in the workplace. 3 In favor | 0 opposed.

H16-0001: Rhoda Shepherd and Khaled Shepherd (Brewer) v. Linkview Motel (Orono). Complainants did not appear. Respondent was in attendance but was not asked to present to the Commission. Commissioner Norman moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe Respondent Linkview Motel discriminated against Complainants Rhoda Shepherd or Khaled Shepherd on the basis of race, color, religion or familial status in the terms and conditions of tenancy, including eviction, or subjected them to a hostile housing environment. 3 in favor | 0 opposed.

H16-0072: Sabrina Tremblay and Joseph Stevens (Buxton) v. Peter Tucci (Buxton). Peter Tucci presented his position as the Respondent. Attorney Krista Selnau presented the Complainants' position. Investigator Angela Tizon presented the facts of the case. Commissioner Norman moved, seconded by Commissioner Helberg, to find **reasonable grounds** to believe Respondent Tucci discriminated against Complainants Sabrina Tremblay and Joseph Stevens on the basis of familial status by posting a discriminatory advertisement, making an unlawful inquiry, and refusing to rent to them. 3 in favor | 0 opposed.

EXECUTIVE SESSION:

At 12:45 PM Commissioner Helbert moved, seconded by Commissioner Norman, to move 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). 3 in favor | 0 opposed.

At approximately 1:00 PM Commissioner Norman moved, seconded by Commissioner Helberg, to come out of executive session. 3 in favor | 0 opposed.

At approximately 1:00 PM, Commissioner Norman moved, seconded by Commissioner Helberg, to adjourn. 3 in favor | 0 opposed.

CONSENT AGENDA

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.

E14-0255:	Christine M. Bean (Bath) v. Walmart (Auburn)	NRG
E14-0290:	Vicki L. Morse (Columbia Falls) v. InquisIT, LLC (Chantilly, VA)	NRG
E14-0291:	Vicki L. Morse (Columbia Falls) v. Chet Childs (Chantilly, VA)	NRG
E14-0292:	Vicki L. Morse (Columbia Falls) v. Angie Blackman (Chantilly, VA)	NRG
E14-0317:	Susan Lemieux (Standish) v. Schlotterbeck & Foss (Portland)	NRG
E14-0336:	Barbara J. Bock (North Conway, NH) v. Summit Achievement of Stow (Stow), Mik Oyler (Stow), and Christine Farrington (f/k/a Davis) (Spanaway, WA)	NRG
E14-0352:	Richard W. Morin (Portland) v. Amistad, Inc. (Portland)	NRG
E14-0356:	Steven Hall (Gray) v. Thos. Moser Cabinetmakers (Auburn)	NRG
E14-0361:	Marie Daigle-Gerrish (Presque Isle) v. Acadia Federal Credit Union (Fort Kent)	NRG
E14-0363:	Willis Smedberg (Waterville) v. State of Maine, DPFS, Office of Securities (Augusta)	NRG
E14-0396:	Edward Burgess (Buckfield) v. Becket Foundation d/b/a Connection for Kids (Portland)	NRG
E14-0426:	Richard Sherwood (York) v. Frisbee Holdings d/b/a Captain and Patty's (Kittery Point)	NRG
E14-0437:	Bitu Ghorbanzadeh (South Portland) v. Homewood Suites by Hilton Portland (Scarborough)	NRG
E14-0451:	Wilma J. Tatlock (Boothbay Harbor) v. Home Counselors, Inc.(Rockland)	NRG
E14-0470:	Pamela A. McNally (Auburn) v. Shalom House (Portland)	NRG
E14-0501:	Jamey Bragdon (Lewiston) v. Northland Industrial Trucking Company, Inc. (Lewiston)	NRG
PA14-0522:	Sean Ragsdale (Machiasport) v. State of ME/Dept. of Corr./Downeast Corr. Facility (Aug.)	NRG
CE14-0651-2:	Louis Landry (East Boothbay) v. Key Bank (Boothbay Harbor) and Chris Austin (Boothbay)	NRG
E14-0661:	Shasta Roy (Richmond) v. Theodore's Seamless Gutters (Augusta)	RG
E14-0669:	Laurie Mueller (Caribou) v. Presque Isle Rehab & Nursing Center (Presque Isle)	NRG
E14-0702:	Gayle L. Flye (Newport) v. Town of Palmyra (Palmyra)	NRG
E14-0715:	Cheryl A. Phillips (Jonesboro) v. University of Maine at Machias (Machias)	NRG
E15-0044:	Anthony B. Agust (Oakland) v. Dunkin Donuts (Gardiner)	NRG
PA15-0080:	Milo White (Warren) v.v. State of Maine/Department of Corrections (Augusta)	NRG
E15-0221:	Noreen M. Boze (Yarmouth) v. Coastal Manor Nursing Home (Yarmouth)	NRG
E15-0287:	Dale Fegel, Jr. (China, ME) v. Con-Way Freight, Inc. (Ann Arbor, MI)	NRG
E15-0369:	Jonathan D. Davis (Brewer) v. Sears Holding (Bangor)	RG
E15-0370:	Jonathan D. Davis (Brewer) v. Home Depot (Bangor)	RG
H15-0527:	Heather Walsh (Augusta) v. Kathy and Vernon Bagley (Troy)	RG
H16-0036:	Elizabeth Faile (Bangor) v. Gerald Doyer (Lewiston)	RG