



Maine Human Rights Commission

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EXECUTIVE DIRECTOR

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COMMISSION MEETING MINUTES

Senator Inn - BOARDROOM

284 Western Ave ~ Augusta, Maine 04330

September 14, 2020

Commissioner Deborah Whitworth called the meeting to order at 8:31 AM. Also present were Commissioners Jefferson Ashby and Edward David.

AGENDA

Commissioner Ashby moved, seconded by Commissioner David, to adopt the Agenda and to accept the Investigator's recommended decision in each of the cases listed on the Consent Agenda (see listing on page 4). 2 in favor | 0 opposed | 1 abstained (Whitworth abstained).

MINUTES

Commissioner David moved, seconded by Commissioner Ashby, to adopt the August 2020 Commission meeting minutes. 3 in favor | 0 opposed.

ADMINISTRATION

Monthly reports: Executive Director Sneirson reported on Commission activities for August 2020:

- The personnel report was presented and placed on file.
- Compliance:
 - Since the last meeting, there has been one unsuccessful conciliation, and there have been no successful conciliations. Six reasonable-grounds cases remain in active conciliation.
 - A reasonable-grounds case that resolved after the conciliation period was presented for approval; Commissioner David moved, seconded by Commissioner Ashby, to approve the settlement agreement in *Bailey v. Avesta Carleton, Pinecone Housing, Avesta Housing and Development Corp, and Avesta Housing Management Corporation (H19-0397)*. 3 in favor | 0 opposed.
 - Two reasonable-grounds cases that previously resolved via conciliation agreements are ready to be dismissed after the parties implemented all terms of agreement. Commissioner Ashby moved, seconded by Commissioner David, to dismiss the reasonable-grounds cases of *Jarrad Johnson obo Minor Children v. Lynne Ryser (H19-0352-A)* and *Cheryl Miller v David Dunn (H19-0314)*. 3 in favor | 0 opposed.
- Investigation
 - New Charge filed: 61 new complaints filed in August
 - Charge Closed: 49 complaints closed in August.
 - Administrative Dismissals: four administrative dismissals in August.
 - Predetermination settlements: 10 in July with benefits of \$249,100 to complainants.

NEW BUSINESS

Executive Director Sneirson reported that:

- For the current budget year, the Commission submitted a proposal to address the Governor's requirement that all state agencies cut 10% of General Fund monies in their budgets. This will apply in the current fiscal year (FY2021) by curtailment and then in the biennium for FY2022-2023. The Commission's curtailment target -- 10% of the agency's General Fund Allocation -- totaled almost \$100,000.
- Commissioners may notice that some investigator reports in housing cases dual-filed with the U.S. Department of Housing and Urban Development will contain new information. This change in format is being done to meet new requirements by our partnership agreement with HUD. Commissioners will see the additional information in addenda to the reports.

Litigation will be addressed after the Executive Session.

At 8:45 AM Commissioner Whitworth began the case hearing agenda.

CASES VOTED ON

E19-0014: Ahmed Kareem (Westbrook) v. Uber (San Francisco, CA). The translator scheduled to interpret this hearing did not appear on time; when the interpreter did appear, the interpreter could not stay long enough for the case to be heard. In order to provide all parties with a meaningful opportunity to participate in the hearing of the case, the parties and Commission determined that the case would be rescheduled for hearing at the Commission's next (10/19) meeting.

E19-0083A/B: Joseph T. Kelliher (Lewiston) v. MSAD 75 (Topsham) and Maine Education Association (Augusta). Complainant was not present. Commissioner David moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that MSAD 75 and/or the Maine Education Association discriminated against Joseph Kelliher on the basis of sex and genetic predisposition, or retaliated against him for WPA- and/or MHRA-protected activity. 3 in favor | 0 opposed.

E19-0087: Jan Mokros (Hallowell) v. Maine Mathematics and Science Alliance (Augusta). Attorney Valerie Wicks restated the position of the Complainant. Attorney Laura Rideout restated the position of the Respondent. Investigator Jane O'Reilly reviewed her report and recommendations. Commissioner Ashby moved, seconded by Commissioner David, to find no reasonable grounds to believe that the Maine Mathematics and Science Alliance retaliated against Jan Mokros for engaging in MHRA- or WPA-protected activity. 3 in favor | 0 opposed. Commissioner Ashby moved to find that there are reasonable grounds to believe that the Maine Mathematics and Science Alliance discriminated against Jan Mokros on the basis of age; the motion was not seconded, and failed. Commissioner Whitworth moved, seconded by Commissioner David, to find no reasonable grounds to believe that the Maine Mathematics and Science Alliance discriminated against Jan Mokros on the basis of age and/or sex. 2 in favor | 1 opposed (Ashby opposed).

E19-0207: Philip Harvey (Dennysville) v. Down East Community Partners (Ellsworth). Philip Harvey restated his position as the Complainant. Attorney Brent Singer restated the position of the Respondent. Investigator Alexandra Brindley reviewed her report and recommendations. Commissioner Whitworth moved, seconded by Commissioner Ashby, to find no reasonable grounds to believe that Down East Community Partners discriminated against Philip N. Harvey on the basis of sex. 3 in favor | 0 opposed.

E19-0231: Tracie Newth (Bowdoin) v. Rite-Aid-Walgreens (Topsham). Tracy Newth restated her position as the Complainant. Respondent was not present. Investigator Milo Gitchos reviewed his report and recommendations.

Commissioner Ashby moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Rite-Aid-Walgreens discriminated against Traci Newth based on her sex. 3 in favor | 0 opposed.

E19-0246: Abdul Qudus (Robbinston) v Washington County Community College (Calais). Abdul Qudus restated his position as the Complainant. Attorney Amy Homans restated the position of the Respondent. Investigator O'Reilly reviewed her report and recommendations. Commissioner David moved, seconded by Commissioner Ashby, to find no reasonable grounds to believe that Washington County Community College discriminated against Abdul Qudus on the basis of age, race, religion, or ancestry. 3 in favor | 0 opposed.

E19-0293: Roger Lister (Dixmont) v. Asplundh Tree Experts (Willow Grove, PA). Attorney Michael Varraso restated the position of the Complainant. Attorney Mike Keffer restated the position of the Respondent. Investigator Milo Gitchos reviewed his report and recommendations. Commissioner Ashby moved, Seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Asplundh Tree Experts discriminated against Roger Lister based on disability. 3 in favor | 0 opposed.

E19-0306*: James Jolin Jr. (Sidney) v. Charlie's Toyota Scion (Augusta) and CENS Auto Group (Augusta) Attorney Steven Langsdorf restated the position of the Respondent. Attorney Timothy Brock restated the position of the Complainant. Investigator Gitchos reviewed his report and recommendations. Commissioner David moved, seconded by Commissioner Ashby, to find no reasonable grounds to believe that Charlie's Toyota Scion and CENS Auto Group, Inc. discriminated against James Richard John Jr. based on age or retaliated against him for engaging in MHRA-protected activity. 3 in favor | 0 opposed. Commissioner David moved, seconded by Commissioner Ashby, to find no reasonable grounds to believe that Charlie's Toyota Scion and CENS Auto Group, Inc. discriminated against James Richard John Jr. based on disability (reasonable accommodation, discharge). 3 in favor | 0 opposed.

EXECUTIVE SESSION

At 12:59 PM, Commissioner Whitworth moved, seconded by Commissioner David, to go 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 1:19 PM, Commissioner Ashby moved, seconded by Commissioner Whitworth, to come out of executive session. 3 in favor | 0 opposed.

LITIGATION

Commissioner Ashby moved, seconded by Commissioner Whitworth, to do the following: :

A. To litigate two reasonable-grounds cases in which conciliation was unsuccessful:

- Pauline Champagne o/b/o Michael Morin v. Walmart Stores, Inc. and Walmart Stores East, L.P. (E19-0260), and
- Heidi McIntosh v. Twin Cities Group, LLC and Olga Dolgicer (H19-0427-A/B)

-AND-

B. To not litigate the reasonable-grounds case of Robert Bailey v. Avesta Carleton, Ltd. Partnership, Pinecone Housing Corporation, Avesta Housing and Development Corporation, and Avesta Housing Management Corporation (H19-0397-A/B/C/D), as the parties reached settlement after conciliation.

3 in favor | 0 opposed.

At approximately 1:20 PM, Commissioner Whitworth adjourned the meeting.

CONSENT AGENDA LISTING (PAGE 4)

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.

E18-0411A/B*	Gregory Pomerleau (Portland) v. Global Energy Solutions, Inc. (South Portland) and Kevin Pomerleau, President GES Inc. (South Portland)	RG
E19-0079A/B	Molly Perkins (Raymond) v. HUB International New England, LLC (Wilmington, MA) and Kilbride & Harris Insurance Services, LLC (Cumberland Foreside, ME)	NRG
E19-0201	Lori Churchill (Fort Fairfield) v. The Aroostook Medical Center (Presque Isle)	NRG
E19-0250	Shawn Fraser (Sanford) v. Pratt & Whitney (East Hartford)	NRG
E19-0299A/B	Monique Sargent (Biddeford) v. NorDx (Scarborough), Maine Health (Portland)	NRG
E19-0327AB	Victoria O'Neal (Augusta) v. Kennebec Pharmacy & Home Care/owner Michael Nowak (Augusta) and Cindy Blake (Augusta)	NRG
E19-0348	Allison Welch (Windham) v. C&N Corp. (Portland)	NRG
E19-0361	Melinda McKenna (Oakland) v. Redington Fairview General Hospital (Skowhegan)	NRG
E19-0401	Mary LaPlante (Skowhegan) v. DHHS Office for Family Independence (Augusta)	NRG
E19-0407AB	Kelli Lessard (Shapleigh) v. Varney Crossing Rehabilitation and Nursing Services (North Berwick) and Pinnacle Group of Hudson Valley (Monsey, NY)	NRG
E19-0421A/B	Gretchen Silva (Sanford) v. Lowe's Home Improvement Centers 1 (Mooresville, NC & Sanford, ME)	NRG
E19-0478	Charles Crockett (Westbrook) v. Maine Forest Service (Augusta)	NRG
H20-0173-B	Steven Mendlovitz (Bangor) v. The Housing Foundation (Orono)	NRG
H20-0165A/B	Queen Baowamioton (Portland) v. Geraldine Fortier and Ryan Fortier (Portland)	NRG

TABLED CASES

E19-0014	Ahmed Kareem (Westbrook) v. Uber (San Francisco, CA) (Tabled at 9/14/20 Meeting to 10/19/20)
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