



Maine Human Rights Commission

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COMMISSION MEETING MINUTES

- ZOOM -

March 15, 2021

Commissioner Deb Whitworth chaired the meeting and called it to order at 8:30 AM. Also present were Commissioners Jefferson Ashby, Edward David and Jill Duson.

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 [3](#)). 4 in favor | 0 opposed.

MINUTES

Commissioner David moved, seconded by Commissioner Ashby, to adopt the February 2021 Commission meeting minutes. 3 in favor | 0 opposed | 1 abstained (Duson abstained).

ADMINISTRATION

Monthly reports: Executive Director Sneirson discussed reporting on the following Commission activities:

- Personnel: One of the Commission Paralegal positions has become vacant.
- Compliance: Since the last meeting, there are ten cases in active conciliation, there have been three unsuccessful conciliations, and there was one successful conciliation.
 - Commissioner David moved, seconded by Commissioner Whitworth, to approve the post-reasonable-grounds settlement agreement in PA19-0346-AB, Demmons v. Bingham General Store and Tim Earl. 4 in favor | 0 opposed.
 - Commissioner Ashby moved, seconded by Commissioner David, to dismiss the reasonable-grounds case of Wigginton v. Motes (H20-0262), as the post-reasonable-grounds Conciliation Agreement has been fully implemented. 4 in favor | 0 opposed.
- New Charges: 62 new complaints filed in February 2021.
- Administrative Dismissals: 11 Administrative dismissals issued in February 2021.
- There were 13 predetermination settlement agreements in February totaling \$365,000 in benefits to complainants.

NEW BUSINESS

Jill Duson joined the MHRC as Commissioner to fill one of the two vacant Commissioner seats. Executive Director Sneirson provided a legislative update regarding the Commission's 2022-2023 Biennial Budget provisions, its annual quasi-independent agency report with the Legislature, and its general annual report.

At 8:47 AM Acting Chair Whitworth began the case hearing agenda.

CASES VOTED ON

E19-0103: Mary Yokabaskas (Augusta) v. J. Edward Knight & Co. (Boothbay Harbor, ME). Attorney Kristen Aiello restated the position of the Complainant. Attorney Matthew Tarasevich restated the position of the Respondent. Investigator Alex Brindley provided information regarding the Investigator's Report and its recommendations. Commissioner David moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that J. Edward Knight & Co. discriminated against Mary Yokabaskas on the basis of disability (hostile work environment and/or discharge); and no reasonable grounds to believe that J. Edward Knight & Co. retaliated against Mary Yokabaskas for engaging in WPA- or MHRA-protected activity. 2 In favor | 2 opposed (Duson and Ashby opposed). With no majority in favor of the vote, the motion did not pass; the finding was by default "no reasonable grounds" to believe unlawful discrimination occurred.

E19-0240AB: Debra Lawrence (Portland) v. Wise Business Forms (Portland, ME and Alpharetta, Georgia). Debra Lawrence restated her position as the Complainant. Attorney Rosie Williams restated the position of the Respondent. Investigator Alex Brindley reviewed her report and recommendations. Commissioner Ashby moved, seconded by Commissioner David, to find no reasonable grounds to believe that Wise Business Forms discriminated against Debra Lawrence on the basis of age, sex, and/or disability or retaliated against her for filing a previous workers' compensation claim. 4 in favor | 0 opposed.

E19-0335AB: Sean Sweeney (Bangor) v. UPS Ground Freight, Inc. (Brewer) and Teamsters Local #340 (South Portland) Attorney Brett Baber restated the position of the Complainant. Attorney Steve Silver restated the position of Respondent UPS Ground Freight, Inc. Respondent Teamsters Local 340 was not present. Investigator Kit Thomson Crossman provided information regarding the Investigator's Report and its recommendations. Commissioner David moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that UPS Ground Freight, Inc. and/or Teamsters Local No. 340 discriminated against Sean Sweeney on the basis of disability and no reasonable grounds to believe that UPS Ground Freight, Inc. and/or Teamsters Local No. 340 retaliated against Sean Sweeney for engaging in WPA- and/or MHRA-protected activity. 4 in favor | 0 opposed.

H20-0423ABC*: Christopher Buckley (Norway), Mary Buckley (Norway), and Mariah Buckley (Norway) v. Steven Graiver (Norway), Bonnie Graiver (Norway), and Joshua Marr (Norway). Attorney Jeffrey Wilson restated the position of the Graiver Respondents. Attorney Sarah Glynn restated the position of Respondent Marr. Attorney Patricia Ender restated the position of the Complainants. Investigator Kit Thomson Crossman reviewed their report and recommendations. Commissioner Ashby moved, seconded by Commissioner David, to table the case; both the motion and second were withdrawn. Commissioner Ashby moved, seconded by Commissioner David, to find the following: **reasonable grounds** to believe that Steven Graiver and Bonnie Graiver discriminated against Christopher Buckley on the basis of disability; **reasonable grounds** to believe that Steven Graiver and Bonnie Graiver discriminated against Mary and Mariah Buckley on the basis of association with a person with a disability; no reasonable grounds to believe that Steven Graiver and/or Bonnie Graiver retaliated against Christopher, Mary, or Mariah Buckley for engaging in MHRA-protected activity; and no reasonable grounds to believe that Joshua Marr discriminated against or retaliated against Christopher, Mary, or Mariah Buckley. 4 in favor | 0 opposed.

The following case was moved to last on the agenda.

E19-0241AB: Lana Smith (Bowdoinham) v. Custom Coach & Limousine (Gorham) and Paul Graves/Mitchel/Hope Simmons (Gorham). The Complainant was not present. Commissioner David moved, seconded by Commissioner Duson, to find no reasonable grounds to believe that Respondents discriminated against Complainant on the basis of sex/sexual orientation and/or disability. 4 in favor | 0 opposed.

EXECUTIVE SESSION

At 12:27 PM, Commissioner Whitworth moved, seconded by Commissioner Duson, 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). 4 in favor | 0 opposed.

At approximately 12:58 PM, Commissioner Whitworth moved, seconded by Commissioner Ashby, to come out of Executive Session. 4 in favor | 0 opposed.

Commissioner Ashby moved, seconded by Commissioner Whitworth, to **not** litigate the following reasonable-grounds cases in which conciliations were not successful:

- E19-0379A, Opio v. Whole Foods Market:
- E19-0445, Boucher v. Community Surgical:
- E19-0493B, Gendron v. Greenhill Estate:

4 in favor | 0 opposed.

Commissioner Ashby moved, seconded by Commissioner Whitworth, to accept a settlement agreement to resolve the litigation commenced in Maine Human Rights Commission and Eric Schnitzer v. Dunkin Doughnuts (which arose from MHRC #PA18-0433) and to authorize Commission Counsel to counsel to sign the settlement agreement on behalf of Commissioners. 4 in favor | 0 opposed.

At approximately 1:05 PM the meeting was adjourned.

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.

E19-0253	Jay Melanson (Falmouth) v. Walgreens (Scarborough)	NRG
E19-0294	Terry L. Bryant (Brewer) v. DA Business Enterprises LLC (Dover, NH)	NRG
E19-0509	Joseph Price (Milbridge) v. Union River Lobster Pot (Ellsworth)	NRG
E20-0038ABCD	Julia Jones (Greenbrier, TN) v. Maine Medical Center (Portland), Richard Petersen (Portland), Maria Long (Portland), and Barbara Bowman (Portland)	NRG
E20-0051*	Ivan Staev (Lewiston) v. Michael E. O'Brien Associates, Corp dba Michael E. O'Brien (Kennebunk)	RG/NRG
H20-0479ABCD	George Porter (Litchfield) and Mary Porter (Litchfield) v. Gertrude Lee (Manchester), John Lawrence (Portsmouth, NH), Deborah Plengey (Manchester), and Bean Group (Augusta)	NRG
H20-0480	Jerry Ferrell (Fairborn, OH) and Jocelyn Smith (Fairborn, OH) v. Maine Properties (Scarborough)	NRG