



Maine Human Rights Commission

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COMMISSION MEETING MINUTES SEPTEMBER 20, 2021 MEETING

via ZOOM

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

AGENDA

Commissioner Ashby moved, seconded by Commissioner Duson, to adopt the Agenda and Consent Agenda to accept the Investigator's recommended decision in each of the cases listed on the Consent Agenda (see listing on page 4). 5 in favor | 0 opposed.

MINUTES

Commissioner David moved, seconded by Commissioner Ashby, to adopt the August 23, 2021 Commission Meeting Minutes. 5 in favor | 0 opposed.

ADMINISTRATION

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

- Personnel: Nothing new to report.
- Compliance: Since the last meeting, there were 9 unsuccessful conciliations and 1 successful conciliation. 5 reasonable-grounds cases remain in active conciliation.
 - Commissioner David moved, seconded by Commissioner Duson, to accept the conciliation agreement in the reasonable-grounds case of Dionne v. YMCA of Southern Maine (ED/PA19-0435). 5 in favor | 0 opposed.
- New Charges: 54 new complaints filed in August 2021.
- Resolutions: 52 cases were closed in August 2021.
- There were 14 predetermination settlement agreements with benefits of \$213,783 to complainants.

NEW BUSINESS

- Executive Director Sneirson presented a memo recommending withdrawal of two complaints at the request of the Complainants. Commissioner Whitworth moved, seconded by Commissioner Ashby, to approve the Complainants' withdrawals of the complaints in Punskey v. Avesta Management Corporation and Avesta Southgate LP (H21-0140-AB) and Rioux v. Avesta Management Corporation and Avesta Southgate LP (H21-0139-AB). 5 in favor | 0 opposed.
- Executive Director Sneirson noted that the statutory changes to the MHRA will become effective on October 18, 2021, including:
 - Amending "familial status" in housing to include minor children and dependent adults, and adding that protection in employment as well;
 - Adding age as a protected class in public accommodations;
 - Adding protection in employment & housing for persons who are victims of domestic violence who obtain permanent orders of protection;

- Amending MHRA descriptions of protection based on “sexual orientation” to read “sexual orientation and gender identity”; and
- Updating the MHRA’s education protections to be consistent with other MHRA areas of jurisdiction regarding protected classes.
- Related to the Legislature, E.D. Sneirson reported that (a) the Commission will submit only one bill (to address Maine Whistleblowers’ Protection Act jurisdiction) prior to a cloture deadline for the upcoming legislative session, and b) that the Commission will by November 1, 2021 submit to the Judiciary Committee a mandated report pursuant to the State Government Evaluation Act.

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

CASES VOTED ON - AM SESSION

H20-0085A*: Robin Jannelle (Augusta) v. Norma Duperre (Augusta) and Eileen Williams (Augusta). Norma Duperre and Eileen Williams restated their positions as the Respondents. Robin Jannelle restated her position as the Complainant. Investigator Alice Neal reviewed their report and recommendation as to these Respondents (claims against all other Respondents were decided at the Commission’s August 23, 2021 meeting).. Commissioner Ashby moved, seconded by Commissioner David, to find there are **reasonable grounds** to believe that Respondents Norma Duperre and Eileen Williams interfered with Complainant Robin Jannelle’s rights under the Maine Human Rights Act. 4 in favor | 1 opposed (O’Brien opposed).

PA19-0376: Gnanendra A. Jeyarajan (Middletown, MA) v. State of Maine York District Court (York). Angelo Jeyarajan restated his position as the Complainant. Assistant Attorney General Kelly Morrell restated the position of the Respondent. Investigator Jane O’Reilly reviewed her report and recommendations. Commissioner Ashby moved, seconded by Commissioner Whitworth, to find there are no reasonable grounds to believe that the State of Maine York District Court discriminated against Gnanendra A. Jeyarajan on the basis of race, color, national origin, and/or sex. 5 in favor | 0 opposed.

E19-0400AB: Christina Porter (Lisbon) v. CMMC Family Medicine Residency (Lewiston) and CMMC (Lewiston). Attorney Laura Garcia restated the position of the Complainant. Attorney Michael Messerschmidt restated the position of the Respondents. Investigator Alice Neal reviewed the investigator’s report and recommendations. Commissioner David moved, seconded by Commissioner Whitworth, to find there are no reasonable grounds to believe that CMMC Family Medicine Residency or CMMC discriminated against Christina Porter on the basis of sex by creating a hostile work environment, and no reasonable grounds to believe that CMMC Family Medicine Residency or CMMC retaliated against Christina Porter for protected Maine Whistleblowers’ Protection Act activity. 5 in favor | 0 opposed.

E19-0406AB*: Valencia Dumas (Vassalboro) v. United Parcel Service (Vassalboro) and Teamsters Local Union #340 (South Portland). Attorney Jack Gearan restated the position of Respondent United Parcel Service. Valencia Dumas restated their position as the Complainant. Respondent Teamsters Local Union #340 did not appear. Investigator Robert Beauchesne reviewed the investigator's report and recommendations. Commissioner David moved, seconded by Commissioner Ashby, to find there are **reasonable grounds** to believe that United Parcel Service discriminated against Valencia Dumas on the basis of sex and/or sexual orientation (hostile work environment) and there are no reasonable grounds to believe that Teamsters Local Union #340 discriminated against Valencia Dumas based on her sex and/or sexual orientation. 5 in favor | 0 opposed.

E19-0050: Dustin Broughton (Rumford) v. Town of Dixfield (Dixfield). Complainant Dustin Broughton was not present. Commissioner David moved, seconded by Commissioner Duson, to find there are no reasonable grounds to believe that the Town of Dixfield discriminated against Dustin Broughton on the basis of sexual orientation (hostile work environment), and no reasonable grounds to believe that Town of Dixfield retaliated against Dustin Broughton for engaging in WPA- and/or MHRA-protected activity (discharge, terms and conditions. 5 in favor | 0 opposed.

E20-0011AB: Christopher Allen (Lewiston) v. Matheson Tri-Gas, Inc. (Lewiston) and Robert Smith (Lewiston). Attorney Samuel Riotte restated the position of the Complainant. Sam Martin restated the position of the Respondents. Investigator Alex Brindley reviewed her report and recommendations. Commissioner Ashby moved, seconded by Commissioner O'Brien, to find there are no reasonable grounds to believe that Matheson Tri-Gas, Inc. and/or Robert Smith discriminated against Christopher Allen on the basis of age. 5 in favor | 0 opposed.

EXECUTIVE SESSION

At 11:16 AM, Commissioner Whitworth moved, seconded by Commissioner Ashby, 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). 5 in favor | 0 opposed.

At approximately 11:29 AM, Commissioner Ashby moved, seconded by Commissioner Whitworth, to come out of Executive Session. 5 in favor | 0 opposed.

At 11:29 AM the Commission recessed until the afternoon session.

At 12:00 PM the Commission resumed for the afternoon session.

CASES VOTED ON - PM SESSION

H21-0126: Barbara Dow (South Portland) v. South Portland Housing Authority (South Portland). Complainant Barbara Dow was not present. Commissioner Ashby moved, seconded by Commissioner Duson, to find there are no reasonable grounds to believe that South Portland Housing Authority discriminated against Barbara Dow on the basis of sex (hostile housing environment, terms and conditions of tenancy. 4 in favor | 0 opposed | 1 abstained (Whitworth abstained).

E19-0424*: Ricky Ho, o/b/o Son (Gorham) v. Charlie's Philly Steakery (South Portland). Attorney Sally Morris restated the position of the Respondent. Attorney Robert Levine restated the position of the Complainant. Investigator Robert Beauchesne reviewed the investigator's report and recommendations. Commissioner Whitworth moved, seconded by Commissioner Duson, to find there are **reasonable grounds** to believe that Charlie's Philly Steakery discriminated against Ricky Ho, on behalf of Son, based on race, national origin, and/or ancestry. 4 in favor | 1 opposed (O'Brien opposed).

H21-0127AB: Warren Malcolm (Indianapolis, IN) v. Apartments at Brunswick Landing, LLC (Falmouth) and Maine Properties, LLC (Scarborough). Warren Malcolm restated his position as the Complainant. Attorney Alyssa Tibbetts restated the position of Respondents. Investigator Kit Thomson Crossman reviewed their report and recommendations. Commissioner David moved, seconded by Commissioner Ashby, to find there are **reasonable grounds** to believe that Apartments at Brunswick Landing, LLC, and Maine Properties, LLC, discriminated against Warren Malcolm on the basis of national origin (association with someone of other than U.S. citizenship). 4 in favor | 1 opposed (Whitworth opposed).

H21-0132AB: Lorraine Saint Pierre (Portland) v. NFG Housing Partners, LP (Portland) and Preservation Management, Inc. (South Portland). Lorraine Saint Pierre restated her position as the Complainant. Attorney Stephanie Albert restated the position of Respondents. Investigator Alice Neal reviewed their report and recommendations. Commissioner David moved, seconded by Commissioner Whitworth, to find there are no reasonable grounds to believe that NFG Housing Partners, LP and/or Preservation Management discriminated against Lorraine Saint Pierre on the basis of disability when they treated her differently in the terms and conditions of her housing (terms and conditions, hostile housing environment, denial of a reasonable accommodation) and no reasonable grounds to believe that NRG Housing Partners, LP and/or Preservation Management, Inc. retaliated against Lorraine Saint Pierre for asserting her rights under the Maine Human Rights Act. 5 in favor | 0 opposed.

H21-0176ABC: Piper Stiles (Searsport) v. The Housing Foundation (Orono), Duska Haman (Orono) and Penquis Development, Inc. (Bangor). Piper Stiles restated her position as the Complainant. Attorney Katy Rand restated the

position of the Respondents. Investigator Alexandra Brindley reviewed her report and recommendations. Commissioner Whitworth moved, seconded by Commissioner Ashby, to find no reasonable grounds to believe that Respondents discriminated against Complainant on the basis of sex and/or disability. 5 in favor | 0 opposed.

At approximately 2:19 AM 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.

E19-0387	Barbara Martin (Caribou) v. Cary Medical Center (Caribou)	NRG
E19-0413AB	Stuart Wyman (Wiscasset) v. Bath Iron Works (Bath) and Ronald Small (Richmond)	NRG
E19-0473	Dasha S. Creeley (Augusta) v. Hoa Hoang/Hong Realty (Augusta)	NRG
E19-0486	Mike Morin (Brunswick) v. Maine Department of Corrections (Augusta)	NRG
E19-0499	Tina Hennessey (Portland) v. Wal-Mart (Falmouth)	NRG
E20-0009	Eric Bueno (Warren) v. Maine Department of Corrections (Augusta)	NRG
E20-0012	Scott Oliver (Windham) v. MEMIC (Portland)	NRG
E20-0014	Patrick Diongo (Old Orchard Beach) v. Bridge Support Services, LLC (Portland)	NRG
E20-0243ABCD	Dan Aguilera (Hollis Center) v. City of Saco (Saco); Chief Jack Clements (Saco); Deputy Chief Corey Huntress (Saco); and Sargent Bruce Cote (Saco)	NRG
H21-0086	Jessica Dall (Brunswick) and Billy Curtis (Brunswick) v. Philip Dwinal (Freeport)	NRG
H21-0147	Logan Strid (Presque Isle) v. Scovil Apartments LLC (Blaine) and Lisa Scovil (Blaine)	NRG
H21-0187AB	Shannon Gordon (Damariscotta) v. Piper Mill Housing Associates, LLC (Damariscotta) and Mid Coast Maine Community Action (Bath)	NRG
H21-0188*	Jennifer McGuire (Hondo, TX) v. Paul Lint (Palm Coast, FL)	RG

CASES TABLED

E19-0274*	Marc McKellar (Bath) v. The Hertz Corporation (Oklahoma City, OK)	_____
H21-0139AB	Victoria Rioux (Scarborough) v. Avesta Housing Management Corporation (Portland) and Avesta Southgate LP (Portland)	
H21-0140AB	Kathleen Punsky (Scarborough) v Avesta Housing Management Corporation (Portland) and Avesta Southgate LP (Portland)	

*** Indicates a case in which a "reasonable grounds" finding was recommended**