



Maine Human Rights Commission

51 State House Station - Augusta, ME 04333

Patricia E. Ryan
Executive Director

John P. Gause
Commission Counsel

COMMISSION MEETING MINUTES

*Senator Conference Center (Best Western) Embassy Room
284 Western Ave ~ Augusta, Maine*

September 20, 2010

Commissioner Vestal called the September 20th, 2010 Commission meeting to order at 8:31 a.m. Present were Commissioners: Paul Vestal, Sallie Chandler, Joe Perry, A. Mavourneen Thompson, and Kenneth Fredette

Commissioner Vestal called for adoption of the agenda.

- Executive Director Patricia Ryan requested that case E09-0354: Philip St. Pierre (Hartford) v. Elmet Technologies, Inc. (Lewiston) be tabled at the request of the parties.
- Executive Director Patricia Ryan requested that case E09-0145: Peter Kidder (W Boothbay Hbr) v. Boothbay Region Boatyard, Inc. (W Southport) be tabled at the request of the parties.
- Executive Director Patricia Ryan requested that case E09-0238: Joyce Davis (York) v. The Goldenrod, Inc. d/b/a Lobster Cover Rest. (York Beach) be moved to the first case on the Agenda.

Commissioner Chandler moved, seconded by Commissioner Thompson to adopt the agenda as amended. 5 in favor | 0 opposed.

CONSENT AGENDA *(see detailed listing on page 4)*

Commissioner Fredette moved, seconded by Commissioner Chandler, to accept the Investigator's recommendations in each of the cases on the Consent Agenda. 5 in favor | 0 opposed.

MINUTES

Commissioner Chandler moved, seconded by Commissioner Perry to adopt the August 9th Commission Meeting Minutes. 5 in favor | 0 opposed

ADMINISTRATION

- Personnel Report: Executive Director Patricia Ryan reviewed the report dated September 13, 2010. This report notes Commissioner Chandler's re-nomination and confirmation to a second 5 year term as Commissioner. The report also announces the Commission's law school extern, Cheryl Cutliffe. Also mentioned are several position reclassification actions resulting in job title changes and salary range changes as approved by the Bureau of Human Resources. The position of Office Associate II has also been filled, the employee will begin on October 4, 2010.

COMPLIANCE

- Compliance Report: Commissioners reviewed the compliance report and it was placed on file.

INVESTIGATION

- New Charges: Commission staff opened 46 new cases in August.
- Administrative Dismissals: Commission staff administratively dismissed 18 cases August.
- Pre-determination Settlements: During the month August investigators were responsible for obtaining settlements in 14 cases resulting in a total monetary relief in excess of \$69,000.

NEW BUSINESS:

Executive Director Patricia Ryan reviewed the 2011 Regulatory Agenda.

At 8:52 AM Chair Vestal called for a 5 minute recess.

CASES VOTED ON:

E09-0238: Joyce Davis (York) v. The Goldenrod, Inc. d/b/a Lobster Cover Rest. (York Beach): Joyce Davis restated the position of the Complainant. Attorney Phillip Moss restated the position of the Respondent. Investigator Michèle Dion restated the facts of the case. Commissioner Fredette moved, seconded by Commissioner Chandler to find no reasonable grounds to believe that the Respondent, Lobster Cove Restaurant, subjected Ms. Joyce to sexual harassment or a hostile work environment or that it retaliated against her for engaging in protected activity under the Maine Human Rights Act or the Whistleblowers' Protection Act. 5 in favor | 0 opposed

E09-0024: Guillermo Blanco (Auburn) v. Bath Iron Works (Bath) & E09-0025: Guillermo Blanco (Auburn) v. General Dynamics (Bath): Attorney Chad Hansen restated the position of the Complainant. Attorney Chris Crabtree restated the position of the Respondent. Investigator Barbara Lelli restated the facts of the case. Commissioner Thompson moved, seconded by Commissioner Perry to find no reasonable grounds to believe that the Respondents, Bath Iron Works Corporation or General Dynamics Corporation, terminated Complainant, Guillermo Blanco's employment because of disability or retaliation, or that Respondents unlawfully denied Complainant reasonable accommodations. 5 in favor | 0 opposed. Commissioner Thompson moved, seconded by Commissioner Perry to find **reasonable grounds** to believe that the Respondents violated the medical confidentiality provisions of the Maine Human Rights Act. 3 in favor | 2 opposed (Fredette, Vestal opposed)

E09-0155: Linda Babb (Caribou) v. McCain Foods USA, Inc. (Easton): Complainant was not present. Commissioner Chandler moved, seconded by Commissioner Perry to find no reasonable grounds to believe that McCain Foods USA, Inc. discriminated against Linda Babb by failing to reasonably accommodate her disability. 5 in favor | 0 opposed.

E09-0185: Diane Scofield (Biddeford) v. Wal-Mart Stores East, LP. (AR): Diane Schofield restated the position of the Complainant. Attorney Matt Tarasevich restated the position of the Respondent. Investigator Robert Beauchesne restated the facts of the case. Commissioner Fredette moved, seconded by Commissioner Chandler to find no reasonable grounds to believe that McCain Foods USA, Inc. discriminated against Linda Babb on the basis of sex and age by denying her the positions of MCE Coordinator and Quality Control Supervisor. 5 in favor | 0 opposed.

E09-0200: Nancy Stone (Rockland) v. Sweetser (Saco) / E09-0200-A: Nancy Stone (Rockland) v. C. LeBlonde (Saco): Attorney Patricia Dunn restated the position of the Complainant. Attorney Eric Uhl restated the position of the Respondent. Investigator Michele Dion restated the facts of the case. Commissioner Chandler moved, seconded by Commissioner Perry to find no reasonable grounds to believe that the Respondents, Sweetser and Cheryl LeBlonde, discriminated against Complainant, Nancy Stone, because of Whistleblower retaliation, or that she was constructively discharged. 5 in favor | 0 opposed.

At 11:02 Commissioner Vestal called for a 10 minute break.

The following case was heard out of order.

H10-0308/0309: James Parham (Portland) v. Avesta Housing Mgt Corp et al (Portland): James Parham restated the position of the Complainant. Attorney David Chamberlain restated the position of the Respondent. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Chandler moved, seconded by Commissioner Perry to find reasonable grounds to believe that the Respondents Avesta Housing Management Corp, Gabrielle Berger, Mary Fowler, and CCYSRO, LP, refused to rent to Complainant James C. Parham, because of race or color. 4 in favor | 1 opposed. (Thompson opposed).

E09-0204: Lori Daigle (Glenburn) v. Community Pharmacies (Augusta); E09-0204-A: Lori Daigle (Glenburn) v. P. Corrado (Augusta): Lori Daigle restated the position of the Complainant. Attorney Adam Taylor restated the position of the Respondent. Investigator Michele Dion restated the facts of the case. Commissioner Thompson moved, seconded by Commissioner Perry to find **reasonable grounds** to believe that the Respondents Community Pharmacies, LP and Paul Corrado, Sr. are liable for sexual harassment of Complainant, Lori Daigle. 4 in favor | 1 abstained (Fredette abstained). Commissioner Thompson moved, seconded by Commissioner Chandler to find **reasonable grounds** to believe that the Respondents, Community Pharmacies, LP and Paul Corrado, Sr. retaliated against Complainant, Lori Daigle, because of Whistleblower retaliation. 4 in favor | 1 abstained (Fredette abstained).

E09-0235: John Beacham (Saco) v. Computer Services of Maine (S Portland): John Beacham restated the position of the Complainant. Dan Roberge restated the position of the Respondent. Investigator Michele Dion restated the facts of the case. Commissioner Perry moved, seconded by Commissioner Chandler to find **reasonable grounds** to believe that the Respondent, Computer Services of Maine discriminated against John Beacham based upon national origin. 4 in favor | 1 recusal (Thompson recused).

E09-0351: Randy Brown (Lewiston) v. Crystal Spring Water Co., Inc. (Auburn): Attorney Sonia Buck restated the position of the Complainant. Attorney Robert Kline restated the position of the Respondent. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Perry moved, seconded by Commissioner Chandler to find **reasonable grounds** to believe that the Respondent, Crystal Spring Water Company, Inc. terminated Complainant, Randy L. Brown's employment because of disability. 4 in favor 1 opposed. (Thompson opposed).

EXECUTIVE SESSION:

Commissioner Fredette moved, seconded by Commissioner Chandler to move into executive session at 1:02 p.m. to discuss litigation with Commission Counsel pursuant to 1 M.R.S.A. §405(6)(E). 5 in favor | 0 opposed.

Commissioner Fredette moved, seconded by Commissioner Chandler, to move out of executive session at 1:05 a.m. 5 in favor | 0 opposed.

Commissioner Fredette moved, seconded by Commissioner Chandler that the Commission **should not file** a complaint in E08-0595: Paula Bowden v. Barbara Stearns. 5 in favor | 0 opposed.

Commissioner Fredette moved, seconded by Commissioner Chandler that the Commission **should not file** a complaint in Bruce Boyington v. Orono Medical Center. 5 in favor | 0 opposed.

Commissioner Fredette moved, seconded by Commissioner Chandler that the Commission **should not file** a complaint in E08-0595: Richard Campbell v. FedEx Express. 5 in favor | 0 opposed.

Commissioner Fredette moved, seconded by Commissioner Chandler that the Commission **should amend the pending federal** court complaint to include, for the use of Michael Larson, a parallel claim against Coffee Couple, LLC. file a complaint E09-0385: Michael Larson v. Coffee Couple. 5 in favor | 0 opposed.

Commissioner Fredette moved, seconded by Commissioner Chandler that the Commission **should file** a court complaint in H09-0572: Tamara Green v. The Housing Foundation and Duska Hayman. 5 in favor | 0 opposed.

ADJOURN:

There being no further business to come before the Commission, the meetings was adjourned at 1:07 p.m.

CONSENT AGENDA:

The consent agenda is a listing of cases scheduled on the Commission's meeting agenda in which there is no written disagreement to the Investigator's recommendation. Commissioners consider these cases without oral argument by the parties.

PA/ED08-0239-A: Parents of Minor Student o/b/o Minor Student (Orono) v. Regional School Unit #26 et al (Orono)	RG/NRG
E09-0118: Cherilyn Ricci (Rome) v. Central Maine Power Company (Augusta)	NRG
E09-0123: Cheryl Lionetta (Old Orchard Beach) v. Allegiance Hospice Care of ME (MA)	NRG
E09-0124: Jennifer White (Sebago) v. Birchwood Child Care (Sebago)	RG/ NRG
E09-0141: Paul Johanson (Winthrop) v. Diesel Direct, Inc. (MA)	NRG
E09-0157: Natalie Murphy (Wiscasset) v. The Salvation Army NNE (Portland)	NRG
E09-0159: Paul Voisine (Scarborough) v. Stop & Shop Supermarket Co LLC (Kennebunk)	NRG
E09-0169: Graciela Stettner (NH) v. Calphalon Corporation (GA)	NRG
E09-0218: Corey Turner (Portland) v. Maine Medical Center (Portland)	NRG
E09-0239: Bruce Wilbur (Sabattus) v. International Door Corp. (Lewiston)	NRG