



# Maine Human Rights Commission

# 51 State House Station, Augusta, ME 04333-0051

*Physical location: 19 Union Street, Augusta, ME 04330*

Phone (207) 624-6290 □ Fax (207) 624-8729 □ TTY: Maine Relay 711

[www.maine.gov/mhrc](http://www.maine.gov/mhrc)

**Amy M. Sneirson**  
EXECUTIVE DIRECTOR

**Barbara Archer Hirsch**  
COMMISSION COUNSEL

## COMMISSION MEETING MINUTES

*19 Union Street ~ Augusta, Maine*

**April 28, 2014**

Chair Vestal called the April 28, 2014 Commission meeting to order at 8:32 a.m. Present were Chair Paul Vestal, and Commissioners Sallie Chandler, Arnold Clark, and Deb Whitworth.

### AGENDA

Executive Director Amy Sneirson requested that case E12-0392, Leigh Gagnon (West Gardiner) v. Patrick Ouellette (Biddeford Pool), be tabled to the June 9<sup>th</sup> meeting agenda. Executive Director Amy Sneirson also requested that case E12-0511, Carl Pascal (Freeport) v. L.L. Bean, Inc. (Freeport), be removed from the hearing agenda and the Investigator's Report withdrawn so the case could be returned to investigation.

Commissioner Vestal called for adoption of the agenda as amended. Commissioner Chandler moved, seconded by Commissioner Clark, to adopt the agenda as amended. 4 in favor | 0 opposed.

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

Commissioner Chandler moved, seconded by Commissioner Clark, to accept the Investigator's recommendations in each of the cases on the Consent Agenda. 4 in favor | 0 opposed.

### MINUTES

Commissioner Whitworth moved, seconded by Commissioner Chandler, to adopt the March 31, 2014 Commission Meeting Minutes. 4 in favor | 0 opposed.

### ADMINISTRATION

Personnel Report: Executive Director Amy Sneirson reported that the position of Human Rights Field Investigator was approved for posting by Human Resources and currently is posted online. The projected start date will be June, 2014 as approved by the Bureau of Budget Office.

### COMPLIANCE

Commissioners reviewed the compliance report showing one successful conciliation, and no unsuccessful conciliations, and several conciliations in progress. It was placed on file. Commissioner Chandler moved, seconded by Commissioner Clark, to approve the conciliation agreement in case E12-0486: David Tanguay (Falmouth) v. City of Portland (Portland). 4 in favor | 0 opposed.

### INVESTIGATION

New Charges: This report will be provided at the next Commission Meeting.

Administrative Dismissals: The Executive Director administratively dismissed 26 cases in March.  
Pre-determination Settlements: Since March 18<sup>th</sup>, 8 cases resulted in settlements with total monetary relief in excess of \$93,000 for complainants.

## **NEW BUSINESS**

Executive Director Amy Sneirson announced this was the last meeting Chair Vestal would be serving as Commission Chair. Amy thanked Commissioner Vestal for his 24 years of service on the Commission, and noted that he will be sorely missed. On April 4, Governor LePage announced his appointment of John Norman of Portland to the seat held by Commissioner Vestal. Mr. Norman's legislative confirmation hearing will take place on Thursday May 1.

At 8:52 a.m. Commissioner Vestal called for a 10 minute recess.

## **CASES VOTED ON 8:38 A.M.**

E12-0297: Amy Martin (Rumford) v. Reed & Reed, Inc. (Woolwich). Attorney Peter Lowe restated the position of the Respondent. Attorney Lisa Butler restated the position of the Complainant. Chief Investigator Victoria Ternig restated the facts of the case. Commissioner Clark moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Respondent Reed and Reed, Inc. denied Complainant Amy Martin training/job opportunities because of her sex in violation of the Maine Human Rights Act. 4 in favor | 0 opposed. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Respondent Reed and Reed, Inc. retaliated against Complainant Amy Martin in violation of the Maine Human Rights Act and Maine Whistleblowers' Protection Act because she engaged in protected activity. 4 in favor | 0 opposed. Commissioner Whitworth moved, seconded by Commissioner Clark, to find no reasonable grounds to believe that the Respondent Reed and Reed, Inc. subjected Complainant Amy Martin to a hostile work environment because of her sex in violation of the Maine Human Rights Act. 1 in favor | 3 opposed (Vestal, Chandler, Clark opposed); the motion failed. Commissioner Chandler moved, seconded by Commissioner Vestal, to find reasonable grounds to believe that the Respondent Reed and Reed, Inc. subjected Complainant Amy Martin to a sexually hostile work environment in violation of the Maine Human Rights Act. 2 in favor | 2 opposed (Clark, Whitworth opposed); the motion failed. With no majority vote in favor of a reasonable-grounds finding, the finding was no reasonable grounds.

E12-0317: Janice Bancroft (Raymond) v. Birchwoods at Canco (Portland). Janice Bancroft restated her position as Complainant. Cynthia Stutsman restated the position of the Respondent. Investigator Michele Dion restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Respondent Hawthorn Retirement Group/Portland Assisted Living d/b/a Birchwood at Canco retaliated against Complainant Janice Bancroft for engaging in protected whistleblower activity. 4 in favor | 0 opposed.

E12-0361: Joanna Bailey (Baileyville) v. Washington County Emergency Medical Services Authority d/b/a Downeast EMS (Calais). Anne-Marie Storey restated the position of the Respondent. Joanna Bailey restated her position as Complainant. Investigator Angela Tizon restated the facts of the case. Commissioner Chandler moved, seconded by Commissioner Vestal, to find **reasonable grounds** to believe that Respondent Washington County Emergency Medical Services Authority d/b/a Downeast EMS discriminated against Complainant Joanna L. Bailey on the basis of sex. 3 in favor | 1 opposed (Whitworth opposed).

E12-0509: Jonathan Randall o/b/o Nicholas Randall (Sanbornville, NH) v. Puddleby on the Hill (Acton). Jonathan Randall restated his position as Complainant. Respondent was not present. Investigator Michele Dion restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler,

to find no reasonable grounds to believe that Respondent Puddleby on the Hill subjected Jonathan Randall o/b/o Nicholas Randall to a hostile work environment based on sex and no reasonable grounds to believe that Respondent Puddleby on the Hill retaliated against Complainant Jonathan Randall o/b/o Nicholas Randall. 4 in favor | 0 opposed.

E12-0581: Katherine Herbert (Windham) v. JHA Management Services, LLC d/b/a The Cedars (Portland). Complainant was not present. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that JHA Management Services, LLC d/b/a The Cedars discriminated against Katherine Herbert on the basis of age by terminating her employment. 4 in favor | 0 opposed.

E12-0636: Eliseo Brea (Portland) v. Silvex Surface Technology (Westbrook). Complainant was not present. Commissioner Chandler moved, seconded by Commissioner Clark, to find no reasonable grounds to believe that Silvex Surface Technology discriminated against Eliseo Brea by subjecting him to a hostile work environment on the basis of race, color, national origin or sex, and no reasonable grounds to believe that Silvex Surface Technology retaliated against Eliseo Brea by terminating his employment after he complained of harassment or unsafe and illegal activity in the workplace. 4 in favor | 0 Opposed.

E13-0028: Anna McGreavy (Stow) v. Summit Achievement of Stow, Inc. (Stow): Maria Fox restated the position of the Complainant. Attorney Karyl Roberts Martin restated the position of the Respondent. Chief Investigator Victoria Ternig restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Clark, to find no reasonable grounds to believe that Respondent Summit Achievement of Stowe, Inc. discriminated against Complainant Anna McGreavy in the terms and conditions of her employment due to her sex in violation of the Maine Human Rights Act and no reasonable grounds to believe that Respondent Summit Achievement of Stow, Inc. retaliated against Complainant Anna McGreavy in violation of the Maine Human Rights Act. 4 in favor | 0 opposed.

E13-0055: Karen Dalton (Wiscasset) v. Bank of America (Brunswick): Attorney James McCormack restated the position of the Complainant. Respondent was not present. Chief Investigator Victoria Ternig restated the facts of the case. Commissioner Chandler moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Respondent Bank of America terminated Complainant Karen Dalton's employment because of her age in violation of the Maine Human Rights Act and no reasonable grounds to believe that Respondent Bank of America retaliated against Complainant Karen Dalton in violation of the Maine Human Rights Act and Maine Whistleblowers' Protection Act because she engaged in protected activity. 4 in favor | 0 opposed.

E13-0183: William Robertson (Old Orchard Beach) v. Town of Old Orchard Beach (Old Orchard Beach): Attorney Neil Weinstein restated the position of the Complainant. Attorney Glen Israel restated the position of the Respondent. Commissioner Chandler moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe the Town of Old Orchard Beach subjected Complainant William M. Robertson to unlawful disability harassment; or placed him on administrative leave due to disability or MHRA/WPA retaliation or notified him that his contract would not be renewed due to disability discrimination or MHRA/WPA retaliation or stripped him of sick leave benefits because of disability discrimination or MHRA/WPA retaliation.

## **EXECUTIVE SESSION**

At 11:38 a.m. Commissioner Chandler moved, seconded by Commissioner Clark, to move into executive session to discuss litigation with Commission Counsel pursuant 1 M.R.S. §405(6)(E). 4 in favor | 0 opposed.

At approximately 11:43 a.m. Commissioner Chandler moved, seconded by Commissioner Whitworth, to come out of executive session. 4 in favor | 0 opposed.

## ADJOURNMENT

There being no further business the meeting was adjourned, Commissioner Whitworth moved, seconded by Commissioner Chandler to adjourn the Commission Meeting at 11:43 AM. 3 in favor | 1 opposed. (Clark opposed)

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.

## CONSENT AGENDA

E12-0237:	Patricia Richard (Saco) v. Redlon & Johnson Supply, The Gage Company (Portland)	NRG
E12-0272:	Andrew Martin (Hartland) v. Pike Industries, Inc. (Westbrook)	NRG
E12-0294:	Jon Murray (Portland) v. Maine Medical Center (Portland)	NRG /NRG
E12-0336:	Michael Doyle (Falmouth) v. Great Falls Holdings, Inc. (Auburn)	NRG
E12-0359:	Scott Minoty (Vassalboro) v. Maine Avenue Corporation, Inc. d/b/a Captain Lewis Residence (Farmingdale)	NRG
E12-0435 & E12-0436:	France McDermott (Madawaska) v. Crystal Lynn's Restaurant (Madawaska) France McDermott (Madawaska) v. Lynn Sirois (Madawaska)	NRG/NRG
E12-0487:	Michael Quagliaroli (Ocala, Fl.) v. Hammond Tractor Company (Fairfield)	NRG
E12-0600:	Julie Paradis (Topsham) v. ANSHI Hospitality LLC d/b/a Days Inn (Brunswick; Lexington, MA)	<b>RG</b> / RG
E12-0610:	Norma Millard (Presque Isle) v. Maine School Administrative District # 1 (Presque Isle)	NRG
E13-0027:	Tracy Williams (Corinth) v. All Children's Day Care & Preschool (Bangor)	NRG / <b>RG</b>
E13-0071:	Karina Richardson (East Machias) v. Washington County Sheriff's Office, Washington County Commissioners (Machias)	NRG
E13-0076:	Ronald Bouchard (Hermon) v. GE Power & Water (Bangor)	NRG
E13-0130:	Carol Flannery (Belfast) v. Little River Veterinary Hospital (Northport)	
E13-0137:	Dale Smith (Carmel) v. Maine Distributors (Bangor)	NRG
E13-0176 & E13-0177:	Jacqueline Banttinen (Rome) v. Fastenal Company (Winona, MN) Jacqueline Banttinen (Rome) v. Scott Wilson (Winona, MN)	NRG
E13-0363:	Richard Hatch (Gardiner) v. Cives Corporation d/b/a Cives Steel Company New England Division (Augusta)	NRG