



# Maine Human Rights Commission

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## COMMISSION MEETING MINUTES

*19 Union Street ~ Augusta, Maine*

**December 15, 2014**

Commission Chair Arnold Clark called the December 15<sup>th</sup> Commission meeting to order at 8:29 a.m. Present were Commissioners Arnold Clark, Sallie Chandler, John Norman, and Deborah Whitworth.

### AGENDA

Commission Chair Clark called for adoption of the Agenda and Consent Agenda. Commissioner Chandler moved, seconded by Commissioner Whitworth, to adopt the agenda as amended and to accept the Investigator's recommendations in each of the cases on the Consent Agenda. 4 in favor | 0 opposed (see detailed listing on page 3).

### MINUTES

Commissioner Whitworth moved, seconded by Commissioner Chandler, to adopt the November 17, 2014 Commission Meeting Minutes. 4 in favor | 0 opposed.

### ADMINISTRATION

Personnel Report: Executive Director Amy Sneirson reported that there were no personnel changes so no report was issued.

### COMPLIANCE

Commissioners reviewed the compliance report showing no successful conciliations, no unsuccessful conciliations, and four conciliations in progress. It was placed on file.

### INVESTIGATION

New Charges: Commission staff opened 65 new cases in November.

Administrative Dismissals: The Executive Director administratively dismissed 18 cases in November.

Pre-determination Settlements: Since November, 12 cases resulted in settlements with total monetary relief in excess of \$150,000 for complainants.

Executive Director Amy Sneirson requested the remaining business (litigation, new business) be taken after the morning cases were heard on the agenda.

At 8:35 Commissioner Chair Clark called for a 10 minute recess.

## **CASES VOTED ON 8:45 A.M.:**

E13-0609: Michael Cote, Jr. (Turner) v. Hirschbach Motor Lines Inc. (Illinois): Respondent's Vice President Tom Loch restated the position of the Respondent. Attorney Rebecca Webber restated the position of the Complainant. Investigator Robert Beauchesne restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find **reasonable grounds** to believe that the Complainant was subjected to disability discrimination (failure to accommodate) by Respondent. 4 in favor | 0 opposed. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find **reasonable grounds** to believe that the Complainant was subjected to disability discrimination (termination) by Respondent. 4 in favor | 0 opposed. Commissioner Chandler moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Complainant was subjected to workers compensation retaliation by Respondent 3 in favor | 1 opposed (Norman opposed).

PA13-0607: Darlene Hayes (Sanford) v. Southern Maine Oral & Maxillofacial Surgery, PA (Windham). Attorney Matthew Tarasevich restated the position of the Respondent. Attorney Kristin Aiello restated the position of the Complainant. Investigator Michele Dion restated the facts of the case. Commissioner Chandler moved, seconded by Commissioner Norman, to find **reasonable grounds to believe** Respondent Southern Maine Oral & Maxillofacial Surgery, P.A. discriminated against Complainant Darlene Hayes when it failed to provide her with appropriate auxiliary aids and services. 3 in favor | 1 opposed (Whitworth opposed).

E13-0619: Matthew Brown (Augusta) v. Time Warner Cable Administration, LLC (Portland). Matthew Brown restated his position as Complainant. Respondent was not present. Investigator Angela Tizón restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Time Warner Cable Administration, LLC discriminated against Complainant on the basis of age and disability by failing to promote him. 4 in favor | 0 opposed.

At 10:54 a.m. Commissioner Clark called for a five-minute recess.

## **NEW BUSINESS**

Executive Director Amy Sneirson reminded Commissioners of a previous inquiry by a "Housing and Domestic Violence Commission" about adding "victims of domestic violence" to the MHRA as protected classes in housing. Ms. Sneirson informed the Commissioners that after sharing the Commissioners' feedback about that proposal with the Housing and Domestic Violence Commission the latter had advised that its upcoming legislative submission would not seek an amendment to add "victims of domestic violence" the MHRA's protected classes in housing.

Executive Director Amy Sneirson advised that the Commission expects to have significant discussion at the Legislature this session about service animals. In fact, the Commission already has been advised that a landlord group is proposing legislation to amend provisions related to service animals in housing under MHRA.

## **EXECUTIVE SESSION:**

At 11:05 p.m. Commissioner Chandler moved, seconded by Commissioner Norman, to move into executive session to discuss with Commission Counsel litigation, and the MHRC's legal rights and duties, pursuant 1 M.R.S. §405(6)(E). 4 in favor | 0 opposed.

At approximately 12:09 p.m. Commissioner Chandler moved, seconded by Commissioner Whitworth, to come out of executive session. 4 in favor | 0 opposed.

## LITIGATION:

Commissioner Chandler moved, seconded by Commissioner Whitworth, for the Commission to follow the recommendations of Commission Counsel and to file a complaint in each of the following reasonable grounds cases:

- H14-0063: Nichols v. Richmond Eldercare Coalition, Denise Gibbs and Jill Wagurak.
- ED/PA12-0363: Amy Wing o/b/o Minor v. Brunswick School Department

3 in favor | 1 opposed (Clark opposed).

## ADJOURNMENT:

There being no further business to come before the Commission, Commissioner Chandler moved, seconded by Commission Norman, to adjourn the meeting the meeting at 12:13 PM. 4 in favor | 0 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

E13-0033: Lance Rogers (Newport) v. Argo Marketing Group, Inc. (Lewiston)	NRG
E13-0063: Lacey Vaccaro (Sanford) v. Tri State Cleaning, Inc. (Moody)	<b>RG</b>
E13-0196: Joshua Hackett (Biddeford) v. Target Corporation (Biddeford)	NRG
E13-0225: Catherine Dunbar (Prospect Harbor) v. KidsPeace National Centers of Northern New England, Inc. (Ellsworth)	NRG
E13-0336: Walter Davis, III (Saco) v. U.S. Security Associates, Inc. (Roswell, GA)	NRG
E13-0364: Valentino Graham (South Portland) v. Hutchins Trucking Co. (South Portland)	NRG
E13-0593: Beth McPherson (Orrington) v/ Penobscot Aerie No. 3177, Fraternal Order of Eagles (Brewer)	NRG
PA13-0729: Billy Boggs (Milo) v. State of Maine/Department of Corrections/Maine State Prison (Augusta)	NRG
E14-0043: Deborah McFarland (Dixmont) v. St. Joseph Healthcare Foundation (Bangor)	NRG
H14-0173: Marsha Beesen & Jens Beesen (Lisbon Falls) v. Scott Gaiason (Lisbon Falls)	NRG
H14-0380: Charles Folsom & Mary Folsom v. The Housing Foundation (Orono)	NRG
H14-0413: Charles Folsom & Mary Folsom v. The Housing Foundation Phase III (Orono)	
H14-0410: Joshua Scholz and o/b/o Minor (Belgrade) v. Sap Hill Homes, LLC, Susan Liebling & Larry Liebling (Mount Vernon)	NRG