



Maine Human Rights Commission

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COMMISSION MEETING MINUTES

19 Union Street ~ Augusta, Maine

February 23, 2015

Commission Chair Arnold Clark called the February 23rd Commission meeting to order at 8:30 a.m. Present were Commissioners John Norman, Deborah Whitworth, and A. Mavourneen Thompson.

AGENDA

Commissioner Clark called for adoption of the Agenda and Consent Agenda.

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

MINUTES

Commissioner Thompson moved, seconded by Commissioner Whitworth, to adopt the January 26th, 2015 Commission Meeting Minutes as corrected. 3 in favor | 0 opposed.

NEW BUSINESS:

CASES VOTED ON 8:45 A.M.:

PA13-0232: Loren Shuck (Palermo) v. State of Maine/Department of Health and Human Services (Augusta). Loren Shuck restated the position of the Complainant. Attorney Kelly Morrill restated the position of the Respondent. Chief Investigator Victoria Ternig restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Norman to find no reasonable grounds to believe that Respondent State of Maine/Department of Health and Human Services discriminated against Complainant Loren Shuck due to his disability. 3 In favor | 0 opposed.

E13-0320: Allen Ackley (East Dixfield) v. The Procter & Gamble Company d/b/a Tambrands, Inc. (Auburn). Complainant was not present. Respondent was not present. Investigator Angela Tizón restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Norman to find no reasonable grounds to believe that Respondent discriminated against Complainant on the basis of age by failing to hire him. 3 in favor | 0 opposed. Commissioner Whitworth moved, seconded by Commissioner Norman to find **reasonable grounds** to believe that respondent discriminated against Complainant on the basis of age by subjecting him to unlawful pre-employment inquiries. 3 in favor | 0 opposed.

E13-0573: Cheryl O. Neale (Veazie) v. Kindred Nursing Centers West, LLC d/b/a Eastside Rehabilitation & Living Center (Louisville, KY). E13-0574: Cheryl O. Neale (Veazie) v. Melissa Mitchell (Louisville, KY). Cheryl O. Neale and Jacqueline Bridges (former co-worker) restated the position of the Complainant. Attorney James Erwin restated the position of the Respondent. Investigator Robert Beauchesne restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Norman to find no reasonable grounds to believe that Complainant Cheryl O. Neale was subjected to unlawful age discrimination in employment in violation of the MHRA by Respondent Kindred Nursing Centers West, LLC d/b/a Rehabilitation & Living Center or Respondent Melissa Mitchell. 3 in favor | 0 opposed. Commissioner Whitworth moved, seconded by Commissioner Norman to find no reasonable grounds to believe that Complainant Cheryl O. Neale was subjected to retaliation in violation of the WPA and/or the MHRA by Respondent Kindred Nursing Centers West, LLC d/b/a Eastside Rehabilitation & Living Center or Respondent Melissa Mitchell. 3 in favor | 0 opposed.

E13-0733: Ava D. Gross (Gardiner) v. Bank of America a/k/a FIA Services (Charlotte, NC). Ava Gross restated the position of the Complainant. Respondent was not present. Investigator Robert Beauchesne restated the facts of the case. Commissioner Norman moved, seconded by Commissioner Whitworth to find no reasonable grounds to believe that Complainant Ava D. Gross was subjected to disability discrimination (failure to provide reasonable accommodation, different terms and conditions of employment) by Respondent Bank of America d/b/a FIA Service. 3 in favor | 0 opposed. Commissioner Norman moved, seconded by Commissioner Whitworth to find no reasonable grounds to believe that Complainant Ava D. Gross was subjected to age discrimination in the terms and conditions of employment by Respondent Bank of America d/b/a FIA Service. 3 in favor | 0 opposed. Commissioner Norman moved, seconded by Commissioner Whitworth to find no reasonable grounds to believe that Complainant Ava D. Gross was subjected to unlawful discrimination in employment or retaliation based upon protected whistleblower activity, or for opposing action that she believed to be unlawful under the MHRA by Respondent Bank of America d/b/a FIA Service. 3 in favor | 0 opposed.

E14-0180: Lisa M. Mullins (Sumner) v. Market Square Health Care (South Paris). Complainant was not present. Investigator Alice Neal restated the facts of the case. Commissioner Norman moved, seconded by Commissioner Whitworth to find no reasonable grounds to believe that Respondent Market Square Health Care retaliated against Complainant Lisa M. Mullins in violation of the Maine Human Rights Act and Maine Whistleblowers' Protection Act because she engaged in protected activity. 3 in favor | 0 opposed.

At 10:10 Commissioner Thompson called for an 8 minute recess.

H14-0500: Bob Turton (Augusta) v. Emilio Estates, Inc. (Corinth). Attorney Mark Joyce restated the position of the Complainant. Victoria Ternig restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Norman to find **reasonable grounds** to believe that Respondent Emilio Estates, Inc. discriminated against Complainant Bob Turton in housing on the basis of disability. 3 in favor | 0 opposed.

H14-0531: Laurie Randall (Farmingdale) v. S.J. Wood Construction Co., Inc. (Winthrop)

H14-0532: Laurie Randall (Farmingdale) v. Scenic Valley, LLC (Winthrop)

H14-0533: Laurie Randall (Farmingdale) v. Laurie Haefele (Winthrop)

Attorney Eric Dick restated the position of the Respondent. Attorney Darren Dube restated the position of the Complainant. Chief Investigator Victoria Ternig restated the facts of the case. Commissioner Whitworth moved there are reasonable grounds to believe that Respondents S.J. Wood Construction Co., Inc., Scenic Valley LLC, and Laurie Belliveau Haefele discriminated against Complainant Laurie Randall in housing on the basis of disability by refusing to rent her a dwelling. Motion was not seconded, motion failed. Commissioner Thompson moved, seconded by Commissioner Norman to find no reasonable grounds to believe that Respondents S.J. Wood Construction Co., Inc., Scenic Valley LLC, and Laurie Belliveau

Haefele discriminated against Complainant Laurie Randall in housing on the basis of disability by refusing to rent her a dwelling. 2 in favor | 1 opposed. (Whitworth opposed).

E13-0590: Lee Schatz (Lyman) v. Town of Lyman (Lyman). Lee Schatz restated the position of the Complainant. Attorney Mark Franco restated the position of the Respondent. Investigator Michele Dion restated the facts of the case. Commission Norman moved, seconded by Commissioner Whitworth to find no reasonable grounds to believe that Town of Lyman retaliated against Lee Schatz for engaging in protected whistleblower activity. 3 in favor | 0 opposed.

At 11:35 p.m. Commissioner Norman moved, seconded by Commissioner Whitworth, to move into executive session to discuss litigation with Commission Counsel pursuant 1 M.R.S. §405(6)(E). 3 in favor | 0 opposed.

At approximately 12:04 p.m. Commissioner Chandler moved, seconded by Commissioner Whitworth, to come out of executive session. 3 in favor | 0 opposed.

LITIGATION:

Commissioner Norman moved, seconded by Commissioner Whitworth, to litigate reasonable grounds case H14-0249 White v. CornerStone 3 in favor | 0 opposed.

Commissioner Norman moved, seconded by Commissioner Whitworth, to litigate reasonable grounds case H14-0250, White v. Beckner 3 in favor | 0 opposed.

ADJOURNMENT:

There being no further business to come before the Commission, Commissioner Whitworth moved, seconded by Commission Norman, to adjourn the meeting the meeting at 12:05 PM. 3 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

E13-0054: Hugh Curran (Camden) v. State of Maine, Department of Transportation (Augusta)	NRG
E13-0103: William Lumpkin (Hancock) v. Harold MacQuinn, Inc.	
E13-0104: William Lumpkin (Hancock) v. Paul MacQuinn (Ellsworth)	NRG
E13-0596: Igihozo Uwimana (Westbrook) v. Spurwink Services, Inc. (Portland)	NRG
E13-0598: Daniel B. Lemieux (Freeport) v. Brooks Brothers Group, Inc. (Freeport)	NRG
E13-0666: Edward Booher (Brunswick) v. Isherwood Enterprises (Gorham)	NRG
E13-0723: Donald St. Pierre (Wayne) v. Regional School Union No. 38 (Readfield)	NRG
H14-0534: Pine Tree Legal Assistance (Portland) v. Norman Craig (Bangor)	RG