



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

Amy M. Sneirson
EXECUTIVE DIRECTOR

Barbara Archer Hirsch
COMMISSION COUNSEL

COMMISSION MEETING MINUTES

19 Union Street ~ Augusta, Maine

April 27, 2015

Commission Chair Arnold Clark called the April 27th Commission meeting to order at 8:30 a.m. Present were Commissioners Arnold Clark, Sallie Chandler, John Norman, Deborah Whitworth, and A. Mavourneen Thompson.

AGENDA

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

Executive Director Amy Sneirson reviewed the following changes/requests for change to the agendas:

- Three cases have been tabled to the June 1, 2015 Commission Meeting:
 - E14-0057: Kevin Estes (Skowhegan) v. Waterville Sewerage District (Waterville)
 - E14-0004: Daniel Kinch (Pownal) v. Northeast Patients Gr. d/b/a Wellness Conn. of Maine (Thomaston)
 - E14-0244: Jennifer Capen (Hallowell) v. Regional School Unit No. 73 (Livermore Falls)
- E14-0102: Christopher Spencer (Lewiston) v. DCI Portland Biologicals, Inc. (Lewiston), has been removed from the Hearing Agenda and placed on the Consent Agenda.
- In E13-0636: Goodhart (Farmington) v. Verso Paper Corp. (Jay), Complainant requested a right-to-sue letter after the Investigator's Report issued. Commissioner Chandler moved, seconded by Commissioner Whitworth, not to grant a right-to-sue letter in E13-0636.

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. 5 in favor | 0 opposed (see detailed listing on page **Error! Bookmark not defined.**).

MINUTES

Commissioner Chandler moved, seconded by Commissioner Norman, to adopt the March 23, 2015 Commission Meeting Minutes as corrected. 5 in favor | 0 opposed.

QUARTERLY PROGRAM REVIEW

- Inventory Status Report & Resolutions: There were 722 open cases at the end of March, and the average # of days a case was with the Commission at that time was 332 days. The Commission closed 161 cases during the preceding quarter with 54 settlements resulting in over \$342,260 to complainants.

- Training/Education: Commissioners reviewed the quarterly report indicating that staff presented at 4 training sessions and attended 10 training sessions.
- Litigation - Commissioners agreed to move this item to another part of the agenda when the Commission could go into Executive Session.
- Financial: Commissioners reviewed the quarterly financial report and it was placed in the file.

Executive Director Amy Sneirson requested the remaining business be taken after the morning cases are heard on the agenda.

ADMINISTRATION

Personnel Report: Executive Director Amy Sneirson reported that there were no personnel changes so no report was issued. She did note that the Commission had a person working with us through the State's Return-to-Work program for a while, Pamela Soisson, and also that the Commission would have two law externs working with us this summer.

COMPLIANCE

Commissioners reviewed the compliance report showing no successful conciliations, three (3) unsuccessful conciliations, and seven (7) conciliations in progress. It was placed on file.

Executive Director Amy Sneirson advised that two cases in which the Commission signed conciliation agreements had been fully resolved, with all terms in the agreements completely implemented, and therefore were ready for dismissal. Commissioner Chandler moved, seconded by Commissioner Norman, to dismiss the following cases pursuant to 5 M.R.S. §4612(3):

PA12-0483, Ramnaraine v. The Ogunquit, LLC d/b/a The Ogunquit Inn
 E12-0600, Paradis v. ANSHI Hospitality LLC d/b/a Days Inn (Brunswick)
 5 in favor | 0 opposed.

INVESTIGATION

New Charges: Commission staff opened 55 new cases in March.

Administrative Dismissals: The Executive Director administratively dismissed 24 cases in March.

Pre-determination Settlements: Since March 10th, 21 cases resulted in settlements with total monetary relief in excess of \$179,440 for complainants.

NEW BUSINESS: Executive Director Amy Sneirson provided a review that indicated the Commission's Biennial Budget Requests were still being considered by the Legislature's Appropriations Committee, and described how the budget issues affect positions at the Commission.

CASES VOTED ON 8:45 A.M.:

PA12-0418: Manley Grant (Sanford) v. Wal-Mart (Scarborough). Attorney Kristin Aiello restated the position of the Complainant. Attorney Stephen Melnick restated the position of the Respondent. Investigator Robert Beauchesne restated the facts of the case. Commissioner Thompson moved, seconded by Commissioner Whitworth, to find reasonable grounds to believe that Complainant Manley Grant was unlawfully discriminated against by Respondent Wal-Mart on the basis of physical disability with regard to the failure to provide closed captioning on the video feed for its display televisions. 2 in favor | 3 opposed

(Chandler, Norman and Clark opposed; motion failed. Commissioner Clark moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Complainant Manley Grant was unlawfully discriminated against by Respondent Wal-Mart on the basis of physical disability with regard to the failure to provide close captioning on the video feed for its display televisions. 3 in favor | 2 opposed (Thompson, Whitworth opposed.)

E13-0234: Raymond Wilson (Springvale) v. City of Sanford/Regional Communication Center (Sanford). Attorney Mark Franco restated the position of the Respondent. Raymond Wilson restated his position as the Complainant. Chief Investigator Victoria Ternig restated the facts of the case. Commissioner Thompson moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that the Complainant Raymond Wilson was unlawfully discriminated against in employment by Respondent City of Sanford/Regional Communication Center on the basis of physical disability. 5 in favor | 0 opposed.

E13-0703: Richard Mailey (South Hamilton, MA) v. Friends of Squaw Mountain (Greenville Junction). Richard Mailey restated his position as the Complainant. Respondent was not present. Investigator Michèle Dion presented the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Friends of Squaw Mountain retaliated against Richard Mailey for engaging in protected whistleblower activity. 5 in favor | 0 opposed.

At 10:29 AM Chair Clark called for a 5 minute recess.

The following case was taken out of order:

H14-0643: Alex Kanaris, Krystle Clark, and o/b/o Minors (Waterville) v. Nale Housing, LLC (Waterville)
H14-0644: Alex Kanaris, Krystle Clark, and o/b/o Minors (Waterville) v. Jerry Caron (Waterville).
Alex Kanaris & Krystle Clark restated their position as the Complainants. Tom Nale restated the position of the Respondent, Nale Housing LLC. Respondent Jerry Caron was present at the hearing but did not address the Commission. Chief Investigator Victoria Ternig restated the facts of the case. Commissioner Chandler moved, seconded by Commissioner Norman, to find no reasonable grounds to believe that Respondents Nale Housing, LLC and Jerry Caron discriminated against Alex Kanaris and Krystle Clark on behalf of Minor Children in housing on the bases of race, color, and /or gender. 5 in favor | 0 opposed.

PA13-0746: Brandy Blankenship o/b/o Minor (Windham) v. Falmouth Pediatric Dentistry (Falmouth). Respondent was not present. Complainants' counsel was present but was not asked to address the Commission. Investigator Alice Paakkonen restated the facts of the case. Commissioner Chandler moved, seconded by Commissioner Whitworth, to find **reasonable grounds** to believe that Falmouth Pediatric Dentistry discriminated against Complainant Brandy Blakenship due to Minor's disability in the terms and conditions for accessing Respondent's services. 4 in favor | 1 opposed (Thompson opposed). Commissioner Chandler moved, seconded by Commissioner Whitworth, to find **reasonable grounds** to believe that Falmouth Pediatric Dentistry discriminated against Complainant Brandy Blankenship due to Minor's disability by denying a reasonable accommodation. 4 in favor | 1 opposed (Thompson opposed.)

E14-0140: Samantha Blom (South Paris) v. Shaner's Family Restaurant (Norway). Attorney Alan Perry restated the position of the Respondent. Samantha Bloom restated her position as the Complainant. Investigator Tizón restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Thompson, to find **reasonable grounds** to believe that Shaner's Family Restaurant discriminated against Samantha Blom on the basis of sex (pregnancy) in the terms and conditions of employment. 5 in favor | 0 opposed.

H14-0462: Diana Townsend (Ellsworth) v. William Blaisdell, IV, Esq. (Ellsworth). William Blaisdell restated his position as the Respondent. Attorney Mark Joyce restated the position of the Complainant. Chief

Investigator Victoria Ternig restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find **reasonable grounds** to believe that Respondent William Blaisdell, IV, Esq. denied Complainant Diana Townsend a reasonable accommodation in housing of a therapy animal. 5 in favor | 0 opposed. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find **reasonable grounds** to believe that Respondent William Blaisdell, IV, Esq. retaliated against Complainant Diana Townsend in housing by not renewing her lease due to her protected activity in violation of the MHRA. 3 in favor | 2 opposed (Clark and Thompson Opposed).

H14-0572: Sharon Syret (Lewiston) v. Supportive Housing Assoc. LP d/b/a Community Conc. (Lewiston)

H14-0573: Sharon Syret (Lewiston) v. Mike Burke (Lewiston)

H14-0574: Sharon Syret (Lewiston) v. Jeanne Currie (Lewiston)

H14-0575: Sharon Syret (Lewiston) v. Bob Vallee (Lewiston)

Attorney David VanBaars restated the position of the Respondents. Sharon Syret restated her position as the Complainant. 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 Respondents Supportive Housing Associates, LP d/b/a Community Concepts, Mike Burke, Jeanne Currie, and Bob Vallee discriminated against Complainant Sharon Syret on the basis of disability in violation of the Maine Human Rights Act. 5 in favor | 0 opposed. Commissioner Thompson moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Respondents Supportive Housing Associates, LP d/b/a Community Concepts, Mike Burke, Jeanne Currie, and Bob Vallee denied Complainant Sharon Syret reasonable accommodations in reference to her using a parking space. 5 in favor | 0 opposed. Commissioner Chandler moved, seconded by Commissioner Norman, to find **reasonable grounds** to believe that Respondents Supportive Housing Associates, LP d/b/a Community Concepts, Mike Burke, Jeanne Currie, and Bob Vallee denied Complainant Sharon Syret reasonable accommodations in reference to her request for Respondents to include her case manager in discussions about her housing accommodation. 4 in favor | 1 opposed (Thompson opposed).

NEW BUSINESS, continued:

Executive Director Amy Sneirson updated the Commissioners about the status of the Commission's biennial budget proposals (passed through Judiciary Committee, currently tabled at Appropriations Committee). Sneirson then reviewed the Commission's presentations at the Legislature regarding bills related to Maine Human Rights Act issues, including service animal bills (LD 221, 547 and 872), reasonable accommodations for medical marijuana use at schools (LD 557), prohibiting employment discrimination due to reproductive health choices and vaccination status (LD 1003 and 950, respectively), and making confidential medical information and minor identities after Commission investigations (LD 1171).

Executive Director Amy Sneirson brought to the Commissioners' attention a request pursuant to Commission Procedural Rule 2.07(C) that the Commission reopen/conduct a reinvestigation in cases H14-0626/H16-0627 Kelderhouse & Patton v. Weymouth & Megunticook Realty. Commissioner Thompson moved, seconded by Commissioner Norman, to reopen H14-0626/H16-0627 Kelderhouse & Patton v. Weymouth & Megunticook Realty. 1 in favor | 4 opposed (Chandler, Clark, Norman and Whitworth opposed).

EXECUTIVE SESSION:

At 1:14 p.m. Commissioner Chandler moved, seconded by Commissioner Norman, to move into executive session to discuss litigation with Commission Counsel pursuant 1 M.R.S. §405(6)(E). 5 in favor | 0 opposed.

At approximately 1:24 p.m. Commissioner Thompson moved, seconded by Commissioner Norman, to come out of executive session. 5 in favor | 0 opposed.

LITIGATION:

Commissioner Chandler moved, seconded by Commissioner Whitworth, to approve the conciliation agreement in H12-0827: Margaret Visconti (Gardiner) v. Christopher Menard (Unknown). 5 in favor | 0 opposed.

ADJOURNMENT:

There being no further business to come before the Commission, Commissioner Chandler moved, seconded by Commissioner Norman, to adjourn the meeting the meeting at 1:25 PM . 5 in favor | 0 opposed.

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.

E13-0166:	Kathleen Fied (Lamoine) v. Mount Dedert Island Hospital (Bar Harbor)	NRG
E13-0167:	Kathleen Fied (Lamoine) v. Barbara Hannon (Sullivan)	
E13-0168:	Kathleen Fied (Lamoine) v. Leonard Lykahovich (Bar Harbor)	
E13-0577:	Mary Ann Boulos-Lord (Brunswick) v. St. Mary's Health System/CCS (Lewiston)	NRG
E13-0636:	Kristin Goodhart (Farmington) v. Verso Paper Corp. (Jay)	NRG
E13-0656:	Sherman Davis (Hancock) v. Kentucky Fried Chicken (Bangor)	NRG
E13-0720:	William Patterson (Brownville) v. Milo Market, Inc. d/b/a Tradewinds Market Place (Milo)	NRG
E14-0005:	Cindy Blackman (Auburn) v. U.S. Cellular (Itasca, IL.)	NRG
E14-0038:	Tyla Bohacik (Leeds) v. Central Maine Dental Health & Implant Center, LLC (Lewiston) And Portland Dental Health & Implant Center (Portland)	NRG
E14-0044:	Maryellen Remington (Livermore Falls) v. LeFleurs Restaurant (Jay)	RG
E14-0046:	Jaime Guevara (South Portland) v. Hartford Installations, LLC (Damariscotta)	RG
E14-0056:	Michelle James (Turner) v. Rowe Auburn (Auburn)	NRG
E14-0067:	Tracy Collins (Portland, OR) v. University of Maine at Farmington (Farmington)	NRG
E14-0103:	Travis Neal (Searsmont) v. State of Maine, Dept. of Corr., Maine State Prison (Augusta)	NRG
E14-0254:	Corey Smith (Augusta) v. State of Maine, Department of Health and Human Services,	NRG
E14-0275:	Richard Pervear (Ellsworth) v. Denny's (Rockport)	NRG
E14-0281:	Stephen Clark (Freeport) v. Compass Head, LLC d/b/a Freeport Hardware (Freeport)	NRG
E14-0299:	Licia Sherwood (Auburn) v. R.A. Cummings, Inc. d/b/a Auburn Concrete (Auburn)	NRG
E14-0321:	Karen Jodrey (Greenville) v. First Atlantic d/b/a Hibbards Nursing Home, and Angela Jones	NRG
H14-0640:	Linda Grivois (Bangor) v. Sunset Meadows Associates (Bangor)	
H14-0641:	Linda Grivois (Bangor) v. Maine Development Associates, Karen Paul, and Lisa Draper (Bangor)	NRG
H14-0642:	Hope Johnson (Linneus) v. Calvin Bishop (New Limerick)	RG/NRG
H14-0673:	Nicole Gray (Presque Isle) v. Marsha and Fern Martin (Presque Isle)	NRG