



Maine Human Rights Commission

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COMMISSION MEETING MINUTES

19 Union Street ~ Augusta, Maine

March 14, 2016

Commission Chair Arnold Clark and Commissioner John Norman were absent. Commissioner A. Mavourneen Thompson served acting Chair for the March 14, 2016 meeting and called the meeting to order at 8:23 a.m. Present were Commissioners Thompson, Deborah Whitworth, and Theodore Helberg.

AGENDA

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

Executive Director Amy Sneirson tabled the following cases to the April Meeting:

- E14-0603 Douglas Hiserodt (Orrs Island) v. Lakonia Greek Products LLC (Saco)
- H15-0528: Gina Fortin (Portland) v. AEG Holdings/ Le(Quang minh) (Portland)
- H15-0529: Robert Fish (Bangor) v. Bangor Housing Authority/Myatt (Michael) Brown (Brenda)

Commissioner Whitworth moved, seconded by Commissioner Helberg, to adopt the Agenda as Amended and to 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 Whitworth moved, seconded by Commissioner Helberg, to adopt the March 14, 2015 Commission Meeting Minutes as amended. 3 in favor | 0 opposed.

ADMINISTRATION

Executive Director Sneirson provided a report on the Commission's personnel, noting that several position vacancies at the Commission have staffers completing additional functions to keep the office functioning while the vacancies are addressed. With respect to the vacant Field Investigator position, ED Sneirson reported that six candidates were selected for interviews the prior week.

COMPLIANCE:

Executive Director Sneirson reported that since the last Commission meeting there had been one conciliation pending. That conciliation - in 14-0152, Davis v Lighthouse Painting - was unsuccessful. There were no successful conciliations or conciliation agreements to report.

INVESTIGATION:

- **New Charges:** In January, 52 new complaints were filed with the Commission. In February, 41 new complaints were filed with the Commission.
- **Administrative Dismissals:** The Executive Director administratively dismissed 14 cases in January and 11 cases in February.
- **Pre-determination Settlements:** In January and February 2016, 15 cases pending at the Commission were resolved resulting in almost \$168,000 in benefits to complainants.

NEW BUSINESS: ED Sneirson reported that the Review Panel appointed by the Governor had said it was going to issue a report in April but was going to talk with ED Sneirson and Commission Counsel Archer Hirsch beforehand. Also, Commission Counsel Archer Hirsch reported on a final report issued by a Legislative study group on service animal fraud and related legislative proposals.

At 8:28 AM Commissioner Thompson called for a 10 minute recess.

CASES VOTED ON 8:45 A.M.

E14-0088: Michael Atienza (Portland) v. Foreside Franchise Mgmt. d/b/a Amatos Maine Mall (Rockland). Complainant was not present. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that Foreside Franchise Mgmt. d/b/a Amatos Maine Mall retaliated against Michael Atienza in retaliation for protected activity under the Whistleblowers' Protection Act by terminating his employment. 3 in favor | 0 opposed.

E14-0306: Marianne Sensale-Guerin (Windham) v. Synergent (Westbrook). Respondent was not present. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find **Reasonable Grounds** to believe that Synergent discriminated against Marianne Sensale-Guerin in violation of the Maine Human Rights Act by terminating her employment on the basis of her age. 3 in favor, 0 opposed.

E14-0354: Alexa Mann (Mechanic Falls) v. St. Mary's Health Systems (Lewiston). Attorney Philip Mancini restated the position of the Complainant. Attorney Kelly Hoffman restated the position of the Respondent. Investigator Neal restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that St. Mary's Health System discriminated against Alexa N. Mann in violation of the Maine Human Rights Act on the basis of her sex (pregnancy) or disability (pregnancy-related illness). 3 in favor | 0 opposed.

PA14-0416: John S. Melcher (New Gloucester) v. Family Dollar (Gray). Complainant John Melcher restated his position as the Complainant. Respondent did not appear. Investigator Beauchesne restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that Complainant John Melcher was subjected to unlawful discrimination in public accommodations in violation of the Maine Human Rights Act due to his race or color by Respondent Family Dollar. 3 in favor | 0 opposed.

PA14-0465: Ed and Tiffany Murchison (Bath) v. University of Maine at Augusta/Women, Work & Community (Augusta). Attorney John Richardson restated the position of the Complainants. Attorney James Thelen restated the position of the Respondent. Investigator Tizon restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that

University of Maine at Augusta/Women, Work & Community discriminated against Tiffany and Ed Murchison in violation of the Maine Human Rights Act by subjecting Mrs. Murchison to a hostile environment based on sex. 3 in favor | 0 opposed. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that University of Maine at Augusta/Women, Work & Community retaliated against Tiffany and Ed Murchison in violation of the Maine Human Rights Act by denying them full and equal access to a place of public accommodation. 3 in favor | 0 opposed.

E14-0558: Sinit Taffere (Portland) v. Ocean Properties, Ltd. d/b/a Holiday Inn Express (Tampa, FL). Complainant was not present. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that Ocean Properties, Ltd. d/b/a Holiday Inn Express subjected Sinit Taffere to a hostile work environment based on sex in violation of the Maine Human Rights Act . 3 in favor | 0 opposed. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that Ocean Properties, Ltd. d/b/a Holiday Inn Express discharged Complainant Sinit Taffere in retaliation for opposing unlawful sexual harassment in violation of the Maine Human Rights Act . 3 in favor | 0 opposed.

E14-0578: Ronald E. Charest (Lewiston) v. E. A. Buschmann Inc. (Lewiston). Complainant was not present. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that E.A. Buschmann, Inc. discriminated against Ronald E. Charest on the basis of disability or perceived disability by failing to reasonably accommodate his disability or by terminating his employment on the basis of perceived disability in violation of the Maine Human Rights Act. 3 in favor | 0 opposed.

At 9:57 a.m. Commissioner Thompson called for a 10 minute break.

PA14-0616: Zanada Maleki (Topsham) v. BJ'S (Auburn). Complainant Zanada Maleki restated her position as the Complainant. Respondent did not appear. Investigator Gillespie restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that BJ's discriminated against Zanada Maleki in a place of public accommodation due to her race or color in violation of the Maine Human Rights Act. 3 in favor 0 opposed.

E14-0619: Jamie Meader (Bethel) v. UPS Center (Auburn). Complainant Jamie Meader restated his position as the Complainant. Attorney James Radke restated the position of the Respondent. Investigator Gillespie restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that UPS Center terminated Jamie Meader's employment or failed to rehire him due to his disability in violation of the Maine Human Rights Act. 3 in favor | 0 opposed.

E15-0027: Claire Champagne (Biddeford) v. State of Maine, Department of Transportation (Augusta). Complainant did not appear. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that State of Maine, Department of Transportation discriminated against Claire Champagne in violation of the Maine Human Rights Act by denying her reasonable accommodations for her disability. 3 in favor | 0 opposed. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that State of Maine, Department of Transportation retaliated against Claire Champagne in retaliation for protected activity under the Whistleblowers' Protection Act and MHRA. 3 in favor | 0 opposed.

PA15-0132: Kenneth Stanhope (Dennysville) v. Skywalker's Pub & Grille (Machias). Respondent was not present. Investigator Beauchesne restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find **reasonable grounds** to believe that Respondent Skywalker's Bar and Grille

discriminated against Kenneth Stanhope on the basis of his disabilities by denying him access to a place of public accommodation. 2 in favor | 1 opposed (Thompson opposed).

EXECUTIVE SESSION:

At 10:45 AM Commissioner Whitworth moved, seconded by Commissioner Helberg, to move into executive session to discuss pending or contemplated litigation and the Commission's legal rights and duties with Commission Counsel pursuant 1 M.R.S. §405(6)(E). 3 in favor | 0 opposed.

At approximately 11:00 AM Commissioner Whitworth moved, seconded by Commissioner Helberg, to come out of executive session. 3 in favor | 0 opposed.

Commissioner Helberg moved, seconded by Commissioner Whitworth, that the Commission should not litigate case E14-0152, Davis v Lighthouse Painting. 3 in favor | 0 opposed.

At approximately 11:00 AM, Commissioner Whitworth moved, seconded by Commissioner Helberg, to adjourn. 3 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.

E14-0034:	Jennifer Moody (Randolph) v. Northeast Patients Group (Thomaston)	NRG
E14-0109:	Gregory Scott Reed (Lewiston) v. MSAD 1/Presque Isle High School (Presque Isle)	NRG
E14-0119:	Deborah Davis (Camden) v. Grand Harbor Inn (Camden)	NRG
E14-0169:	Sandra M. Bean (Clinton) v. Waterville Public Schools (Waterville)	NRG
E14-0258:	Andreas Madsen (Standish) v. Amy Alward Agency/Allstate Ins. (South Portland)	NRG
E14-0279:	Rhonda Loncto (Fletchers Landing) v. ELR Care/Penobscot Nursing Home (Penobscot)	NRG
E14-0334:	Kimberly Rich (Portland) v. Catalyst for Peace (Portland)	NRG
E14-0486	Heather M. McKinnon (Caratunk) v. North Country Variety, Inc. (Bingham)	RG
E14-0607:	Deborah Connolly (Westbrook) v. IDEXX Labs (Westbrook)	NRG
E14-0620	John Fuhrman (Winter Harbor) v. King Global Enterprises, LLC d/b/a Auto Excavations (Farmington, CT)	NRG
E14-0689:	Marshall Crandall IV (Vassalboro) v. Delhaize America/Hannaford (Winthrop)	NRG
E15-0018	Sue A. Thompson (Bangor) v. Maine Paper & Janitorial Products, Inc. (Bangor)	NRG
H15-0400:	Shauna MacIntyre (Manchester) v. Darrell & Diana Weymouth (Pittston)	NRG
H15-0425:	Farralee Wilson (Augusta, ME) v. Adobe Property Management, LLC/Louis Chiasson (Hartsdale, NY)	NRG
H15-0442	Charles Clay, Jr. and Vekisha McCall (Brewer) v. V.A.L. Realty Trust, Valerie Griffin, and Michael Griffin (Orono)	NRG
H15-0451:	Tian Tian, Xian Wu, Maixian Tian, Xiangzen Wu, and obo Minor Children (Newton, MA) v. Jordan Rental & Real Estate and Steve & Elaine Titcomb (Standish, ME), and Victoria & Carl Roselli (Staten Island, NY)	NRG
H15-0467	Orena Davis (Lewiston) v. SOLIS Group and Joe Dunne (Lewiston)	NRG
H15-0506:	Shantyl Pitcher (Fairfield) v. Linda Thorpe & Douglas Thorpe, Jr. (Fairfield)	NRG