



Maine Human Rights Commission

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COMMISSION MEETING MINUTES

Senator Inn- Boardroom

19 Union Street ~ Augusta, Maine

February 27, 2017

Commission Chair Arnold Clark called the meeting to order at 8:31 AM. Present were Commissioners Deborah Whitworth, John Norman, Ted Helberg, and Fred Oettinger.

AGENDA

Commissioner Clark called for a motion to adopt the Agenda and Consent Agenda. Commissioner Whitworth moved, seconded by Commissioner Norman, to adopt the Agenda and to accept the Investigator's recommendations in each of the cases on the Consent Agenda. 5 in favor | 0 opposed. See detailed listing of Consent Agenda cases on page 3.

MINUTES

Commissioner Helberg moved, seconded by Commissioner Norman, to adopt the January 23, 2017 Commission meeting minutes. 5 in favor | 0 opposed.

ADMINISTRATION

Monthly and quarterly reports: Executive Director Sneirson next discussed reporting on Commission activities:

Quarterly

- Training & Education: Commission staff attended/presented at 7 trainings/presentations.
- Financial Report: Presented and placed on file.
- Pending inventory: The Commission had 662 cases pending during the quarter ending 12/31/2016; the average number of days a case was at the agency was 309 days.

Monthly

- Personnel: No new activity in January 2017.
- Compliance: Since the last meeting, two conciliations of reasonable-grounds cases remain active in conciliation, there was one unsuccessful conciliation, and there were two successful conciliations
 - Commissioner Whitworth moved, seconded by Commissioner Norman, to accept the conciliation agreement in E14-0592 (Copage v. Island View Motel) and E14-0729 (Copage v. Kramer). 5 in favor | 0 opposed.
 - Commissioner Whitworth moved, seconded by Commissioner Helberg, to accept the conciliation agreement in E14-0598 (Legasse v. Giroux). 5 in favor | 0 opposed.
- Investigation:
 - New Charges: 66 new charges filed in November.
 - Administrative Dismissals: 25 administrative dismissals issued in October.
 - There were 26 predetermination settlements with benefits of \$363,000 to complainants.

New business:

- On Friday 2/24/2017, the Legislature's Appropriations Committee approved the Fiscal Year 2017 Emergency Supplemental Budget, including five initiatives for the Commission previously discussed with the Commissioners; the full legislative vote is expected Monday, February 27, 2017.
- The Commission presented the same five initiatives as part of the Governor's Biennial Budget last week, and will be discussing it with the Joint Standing Committee on the Judiciary in early March.
- The Commission is working collaboratively with Rep. Will Tuell of East Machias on a bill to follow up on the recommendations made by the Executive Review Panel in the fall. This bill has been given Legislative Request #934; it is still being drafted by the Legislature into a Legislative Document. It contains the initiatives discussed previously with Commissioners.
- Arnold Clark's reappointment will be heard at the Judiciary Committee on February 28.

The Commission took a five-minute break at 8:40 AM.

At 8:45 AM Commissioner Clark began the case hearing agenda.

CASES VOTED ON 8:45 A.M.

The following case is taken out of order to accommodate the interpretive process:

PA15-0574, Greg Scheuer (Portland) v. Nordica Theatre (Freeport). Mark Benvenuto restated the position of the Respondent. Attorney Kristin Aiello restated the position of the Complainant. Investigator Stuart Evans restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find **Reasonable Grounds** to believe that Nordica Theatre discriminated against Greg Scheuer on the basis of disability by failing to provide required auxiliary aids and services in a place of public accommodation. 5 in favor | 0 opposed.

E15-0028, Diana Patterson (Norridgewock) v. Willow Run Bed, Biscuit, Bath (Belgrade). Diana Patterson restated her position as the Complainant. Attorney Susan Farnsworth restated the position of the Respondent. Investigator Angela Tizon restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Willow Run Bed, Biscuit, Bath discriminated against Diana Patterson on the basis of disability by subjecting her to less favorable terms and conditions of employment including a hostile work environment, and no reasonable grounds to believe that Willow Run Bed, Biscuit, Bath retaliated against Diana Patterson for asserting her rights under the MHRA. 5 in favor | 0 opposed.

E15-0102, Kathi E. Nordone (Damariscotta) v. Bath Iron Works (Bath). Kathi Nordone restated her position as the Complainant. Attorney Ellen McClintock restated the position of the Respondent. Chief Investigator Alice Neal restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Norman, to find no reasonable grounds to believe Bath Iron Works discriminated against Kathi E. Nordone in violation of the MHRA based upon her on disability in the terms and conditions of her employment. 5 in favor | 0 opposed. Commissioner Norman moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe Bath Iron Works discriminated against Kathi E. Nordone in violation of the MHRA based upon her sex or disability when her employment was terminated. 5 in favor | 0 opposed. Commissioner Whitworth moved, seconded by Commissioner Norman, to find no reasonable grounds to believe Bath Iron Works retaliated against Kathi E. Nordone in violation of the MHRA when it discharged her from her employment. 5 in favor | 0 opposed.

H16-0273, Priscilla and Joseph Ouellette (Biddeford) v. Housing Options, LLC and Stephen Ryan (Saco). Complainants were not present. Commissioner Whitworth moved, seconded by Commissioner Norman, to find no reasonable grounds to believe that Housing Options, LLC and Stephen Ryan discriminated against Priscilla and Joseph Ouellette on the basis of disability. 5 in favor | 0 opposed.

EXECUTIVE SESSION:

At 10:13 AM, Commissioner Oettinger moved, seconded by Commissioner Clark, to go 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). 5 in favor | 0 opposed.

At approximately 10:45 AM, Commissioner Norman moved, seconded by Commissioner Whitworth, to come out of executive session. 5 in favor | 0 opposed.

LITIGATION:

Commissioner Helberg moved, seconded by Commissioner Whitworth, that the Commission should not proceed with litigation in the following reasonable-grounds cases:

- Commissioner Norman moved, seconded by Commissioner Helberg, to approve a post-conciliation litigation agreement in *Nichols v. Richmond Elder Care* (H14-0063). 5 in favor | 0 opposed.
- Commissioner Helberg moved, seconded by Commissioner Oettinger, to commence litigation in the case of *Merrill/Labrecque v. Duffy* (H16-0073) after conciliation failed. 5 in favor | 0 opposed.

At approximately 10:54 PM, Commissioner Clark adjourned the meeting.

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.

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| E15-0034 | Tammi R. Morrison (Jefferson) v. Waldoboro (Town of)/Police Department (Waldoboro) | NRG |
| E15-0039 | Shane D. Kaepfel (Sanford) v. Osmose Utilities Services, Inc. (Peachtree City, GA) | NRG |
| E15-0043 | Marius A. Ramirez (Ellsworth) v. Acadia Hospital (Bangor) | NRG |
| E15-0058 | Lyn Smith (Kennebunkport) v. Dr. Mark Nadeau (Kennebunk) | NRG |
| E15-0096 | Kelly Demers (Lyman) v. The Valuation Group (Berwick) | NRG |
| E15-0097 | Malena O. Schlosser (Brunswick) v. Computer Sciences Corporation (CSC) (Falls Church, VA) | NRG |
| H16-0438-A/B | Jonathan Parsons (South Portland) v. The Grand Beach Inn (Old Orchard Beach) & Portland Avenue Associates (Old Orchard Beach) | RG/NRG |
| H16-0446-A/B/C | Tina St. Laurent, Individually and on behalf of Minor Children (Winthrop) v. Bread of Life Ministries (Augusta), RJ Pinkham (Augusta), and John Richardson (Augusta) | NRG |