



Maine Human Rights Commission

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COMMISSION MEETING MINUTES

Senator Inn- Boardroom

19 Union Street ~ Augusta, Maine

August 14, 2017

Commissioner Chair Arnold Clark called the meeting to order at 8:31 AM. Also present were Commissioners Deborah Whitworth, John Norman, and Ted Helberg.

AGENDA

Commissioner Clark called for a motion to adopt the Agenda and Consent Agenda. Commissioner Helberg moved, seconded by Commissioner Whitworth, to adopt the Agenda and to accept the Investigator's recommendations in each of the cases on the Consent Agenda. 4 in favor | 0 opposed. See detailed listing of Consent Agenda cases on page 5.

MINUTES

Commissioner Whitworth moved, seconded by Commissioner Helberg, to adopt the June 19, 2017 Commission meeting minutes. 4 in favor | 0 opposed.

ADMINISTRATION

Executive Director Sneirson next provided monthly reports on Commission activities:

- Personnel: The Commission in May requested permission to post the Field Investigator position vacated by Angela Tizon in July. The Office of the Governor has not yet acted on the Commission's request.
- Compliance:
 - Since the last meeting, there were four conciliations of reasonable-grounds cases, two unsuccessful and two successful. There are five cases that remain active in active conciliation.
 - The Commissioners reviewed the conciliation agreement in three successfully conciliated case (two since the last meeting and one from just before it).
 - Commissioner Helberg moved, seconded by Commissioner Norman, to approve the conciliation agreement in Patneau v. Andover General Store (PA15-0267). 4 in favor | 0 opposed.
 - Commissioner Norman moved, seconded by Commissioner Whitworth, to approve the conciliation agreement in Sweeney v. NNE Conference (H17-0059). 4 in favor | 0 opposed.
 - Commissioner Helberg moved, seconded by Commissioner Norman, to approve the conciliation agreement in Parsons v. Grand Beach Inn and Portland Avenue Associates (H16-0438A/B). 4 in favor | 0 opposed.
- Investigation:
 - New Charges: 52 in June (83 respondents); 50 in July (60 respondents).
 - Administrative Dismissals: 12 in June; 16 in July.
 - Predetermination settlements: in June, 22, with benefits of \$346,000 to complainants; in July, 9, with benefits of \$87,000 to complainants.

NEW BUSINESS:

- Executive Director Sneirson shared the approved calendar of 2018 meetings.

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

CASES VOTED ON 8:45 A.M.

E15-0301: Angela Johnson (Augusta) v. Molina Healthcare (Augusta): Attorney Carol Garvan restated the position of the Complainant. Respondent did not appear. Chief Investigator Alice Neal restated the facts of the case. Commissioner Deb Whitworth moved, seconded by Commissioner Ted Helberg, to find no reasonable grounds to believe to believe that Molina Healthcare unlawfully discriminated against Angela Johnson on the basis of disability by denying her a reasonable accommodation. 4 in favor | 0 opposed. Commissioner Norman moved, seconded by Commissioner Clark, to find **reasonable grounds** to believe that Molina Healthcare unlawfully discriminated against Angela Johnson on the basis of disability by discharging her. 4 in favor | 0 opposed. Commissioner Clark moved, seconded by Commissioner Whitworth to find **reasonable grounds** to believe that Molina Healthcare unlawfully retaliated against Angela Johnson by discharging her after she asserted her rights under the MHRA. 4 in favor | 0 opposed.

E15-0354: Melody A. McLellan (Augusta) v. Quirk Auto Group (Bangor). Attorney Stephen Langsdorf restated the position of the Respondent. Attorney Carol Garvan restated the position of the Complainant. Commissioner Norman moved, seconded by Commissioner Helberg, to find that there are no reasonable grounds to believe that Quirk Auto Group subjected Melody A. McLellan to less favorable terms and conditions in employment on the basis of sex. 4 in favor | 0 opposed. Commissioner Norman moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that Quirk Auto Group unlawfully retaliated against Melody A. McLellan in violation of the MHRA and/or WPA. 4 in favor | 0 opposed. Commissioner Norman moved, seconded by Commissioner Helberg, to find **reasonable grounds** to believe that Quirk Auto Group discriminated against Complainant Melody A. McLellan by discharging her on the basis of sex. 3 in favor | 1 opposed (Clark opposed).

E15-0386: Peggy S. Watson (Hodgdon) v. O'Kelley's Irish Pub (Houlton). Complainant did not appear. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Complainant Peggy S. Watson was subjected to unlawful retaliation in violation of the WPA and MHRA by Respondent O'Kelley's Irish Pub. 4 in favor | 0 opposed.

E15-0387: Mark Burns Springer (Rumford) v. Hannaford Bros (Rumford). Complainant did not appear. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Complainant Mark Springer was subjected to unlawful race/color discrimination by Respondent Hannaford Bros. 4 in favor | 0 opposed.

E15-0390: John Richard (Jay, ME) v. Hewlett-Packard Company (Herndon, VA). Complainant was not present. Commissioner Ted Helberg moved, seconded by Commissioner Norman, to find there are no reasonable grounds to believe that Hewlett-Packard Company discriminated against John Richard, either on the basis of age by discharging him (disparate treatment) or by having an employment policy or practice that had a disparate impact on him based on age. 4 in favor | 0 opposed.

E15-0392: Douglas P. Pitcairn (Ipswich, MA) v. Maine Medical Center (Portland). Complainant was not present. Commissioner Arnold Clark moved, seconded by Commissioner Norman, to find no reasonable grounds to believe that Maine Medical Center subjected Douglas B. Pitcairn to unlawful employment

discrimination on the basis of disability (denial of reasonable accommodations or discharge from employment). 4 in favor | 0 opposed.

E15-0412: Anthony DeSalle (Windham) v. Rollins, Inc. d/b/a Orkin Pest (Atlanta, GA). Respondent was not present. Investigator Robert Beauchesne restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find **reasonable grounds** to believe Complainant Anthony DeSalle was subjected to unlawful disability discrimination in hiring by Respondent Rollins, Inc. d/b/a Orkin Pest. 4 in favor | 0 opposed.

PA15-0431: Ryishisa Morris (Lowell, MA) v. Boone's Fish House & Oyster Room (Portland). Complainant was not present. Commissioner Norman moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Boone's Fish House & Oyster Room discriminated against Ryishisa Morris on the basis of race, color, national origin, or ancestry by denying her the full and equal enjoyment of the public accommodation. 4 in favor | 0 opposed.

EDU16-0108: Michael Greene o/b/o minor child (Windham) v. Maine Coast Waldorf School (Freeport). Michael Green restated his position as the Complainant. Attorney Matthew Raynes restated the position of the Respondent. Investigator Stuart Evans restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find no reasonable grounds to believe that Maine Coast Waldorf School discriminated against Michael Greene o/b/o minor child on the basis of disability by denying his child admission to, or participation in, the school it operates, or by denying her a reasonable accommodation. 4 in favor | 0 opposed.

E16-0139: Daniel M. Donahue (Corinna) v. SOM/DHHS/DSER (Augusta). Daniel Donahue restated his position as the Complainant. Attorney Kelly Morrell restated the position of the Respondent. Investigator Stuart Evans restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that SOM/DHHS/DSER discharged Daniel M. Donahue due to disability or that SOM/DHHS/DSER unlawfully retaliated against Daniel M. Donahue in violation of the MHRA. 4 in favor | 0 opposed.

H17-0070: Jerry Drake (Lisbon Falls) v. David Trottier (Arundel). Attorney Jens-Peter Bergen restated the position of the Respondent. Attorney Dylan Maeby restated the facts 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 Respondent David Trottier discriminated against Complainant Jerry Drake by making unlawful inquiries and statements on the basis of familial status and/or sex, and reasonable grounds to believe that Respondent David Trottier discriminated against Complainant Jerry Drake by denying him an opportunity to obtain housing on the basis of familial status and sex, and this claim should be conciliated in accordance 2 in favor | 2 opposed (Clark & Helberg opposed); the motion did not pass. There was no other motion. The finding on both claims was no reasonable grounds to believe discrimination occurred.

H17-0074: Amelia Harmon (Naples) v. Jo-Anne Connolly (Bridgton) & John Siciliani (Bridgton). Attorney Richard Bryant stated the position of Respondent Jo-Anne Connolly. Attorney Patricia Ender restated the position of the Complainant. Respondent John Siciliani did not appear. Chief Investigator Alice Neal restated the facts of the case. Commissioner Norman moved, seconded by Commissioner Whitworth, to find **reasonable grounds** to believe that Respondents Jo-Anne Connolly and John Siciliani discriminated against Complainant Amelia Harmon by stating an unlawful preference in housing on the basis of race; and **reasonable grounds** to believe that Respondents Jo-Anne Connolly and John Siciliani discriminated against Complainant Amelia Harmon on the basis of race by subjecting her to a hostile housing environment; and

reasonable grounds to believe that Respondents Jo-Anne Connolly and John Siciliani discriminated against Complainant Amelia Harmon on the basis of race with respect to the terms and conditions of her housing and/or attempted eviction, and **reasonable grounds** to believe that Respondent John Siciliani unlawfully threatened, intimidated or interfered with Complainant's MHRA rights. 4 in favor | 0 opposed.

H/PA17-0176: Susan Poulin-Doyon on behalf of Ethan Poulin (Manchester, ME) v. State of Maine/Department of -A & -B Health and Human Services/Office of Aging and Disability Services (Augusta, ME) & Support Solutions, Inc. (Auburn, ME). Attorney Richard Estabrook restated the position of the Complainant. Attorney Kelly Morrell restated the position of the Respondent. Chief Investigator Alice Neal restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Norman, to find no reasonable grounds to believe that Respondents State of Maine/Department of Health and Human Services/Office of Aging and Disability Services and Support Solutions, Inc. discriminated against Complainant Susan Poulin-Doyon on behalf of Ethan Poulin on the basis of disability. 4 in favor | 0 opposed.

EXECUTIVE SESSION:

At 12:38 PM, Commissioner Helberg moved, seconded by Commissioner Whitworth, 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). 4 in favor | 0 opposed.

At approximately 1:06 PM, Commissioner Whitworth moved, seconded by Commissioner Norman, to come out of executive session. 4 in favor | 0 opposed.

Commissioner Whitworth moved, seconded by Commissioner Helberg, not to litigate the reasonable-grounds case of Kayla Butcher v. K&R Autosales, Inc. (E15-0135). 4 in favor | 0 opposed.

NEW BUSINESS:

At approximately 1:07 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.

E15-0350: Marie A. Trottier (Alexandria, VA) v. Hodgdon Yacht (East Boothbay, ME)	NRG
E15-0358: Barbara Holt (Raymond) v. The Park Danforth (Portland)	NRG
E15-0367: Diane D. Brown (Livermore) v. Goodwill Industries NNE (Gorham) & Seth Hubley (Hallowell)	NRG
E15-0368	
E15-0394: Katherine Lippa (Portland) v. Strategic Media, Inc. (Portland)	
NRG	
E15-0403: Christen Hart (Waterville) v. Eastern Maine Healthcare Systems - Lakewood (Waterville), Patricia Shuck, Vicki Dyer, John Reinhart	NRG
PA15-0428: Kitty Langdon (Portland) v. Mercy Hospital / Ambulance Crew (Portland)	NRG
E16-0089: Julie A. Daignault (South Portland) v. York County Shelter Program, Inc. (Alfred)	NRG
E16-0153: Pamela J. Parker (Fairfield) v. Circle K/Mac's (Fairfield)	NRG
H17-0072: Jibryne Karter III (Waterville) v. Janice Cushman (Waterville)	NRG
H17-0095: Matthew J. Esposito (Kennebunk) v. Pam Given (Biddeford) & Gary Given (Biddeford) & Betty Latham (Old Orchard Beach) & Ocean Pizza, Inc. (Biddeford)	NRG
H17-0150: Christine Esposito (Kennebunk) v. Avesta Housing (Kennebunk), Graham Cooper (Kennebunk), & Alicia Saboo (Kennebunk)	NRG
H17-0155: Debora Madruga (Farmington) v. Caleb Rackliff (Farmington)	NRG