



## Maine Human Rights Commission

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EXECUTIVE DIRECTOR

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### COMMISSION MEETING MINUTES

#### Senator Inn - Boardroom

*19 Union Street ~ Augusta, Maine*

December 11, 2017

Commission Chair Arnold Clark called the meeting to order at 8:30 AM. Present were Commissioners Deb Whitworth, John Norman, Ted Helberg and Fred Oettinger.

#### AGENDA:

Commissioner Whitworth moved, seconded by Commissioner Helberg, to adopt the Agenda and to accept the Investigator's recommended decision in each of the cases listed on the Consent Agenda (see listing on page 3). 5 in favor | 0 opposed.

#### MINUTES:

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

#### ADMINISTRATION:

Monthly reports: Executive Director Sneirson discussed reporting on Commission activities from October:

- Personnel: Amy Sneirson introduced Commissioners to new Investigator Joseph Hensley.
- Compliance: Since the last meeting, there have been two successful conciliations and four unsuccessful conciliations; there is one conciliation still in progress.
  - Commissioner Oettinger moved, seconded by Commissioner Helberg, to approve a conciliation agreement in case H17-0074-A (Harmon v. Connolly). 5 in favor | 0 opposed.
  - Commissioner Whitworth moved, seconded by Commissioner Helberg, to approve a conciliation agreement in case H17-0240-A (Martin v. J.G.Q. Property Management, Inc. and Quinn). 5 in favor | 0 opposed.
- Investigations in November 2017:
  - New Charges: 50 new charges filed.
  - Administrative Dismissals: 32 administrative dismissals.
  - There were 10 predetermination settlements with benefits of \$89,000 to complainants.
- Litigation: Commissioners decided to address this after Executive Session.

New business: None.

The Commission took an eight-minute break at 8:38 AM.

At 8:45 AM Commissioner Clark called the case hearing agenda to order.

## **CASES VOTED ON:**

E15-0533: Marc D. Christensen (Falmouth) v. St. Mary's Regional Medical Center (Lewiston). Attorney David Webbert restated the position of the Complainant. Attorney David Strock restated the position of the Respondent. Investigator Fortin restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Oettinger, to find no reasonable grounds to believe that St. Mary's Regional Medical Center discriminated against Marc D. Christensen on the basis of disability by denying him a reasonable accommodation, or discriminated against Marc D. Christensen on the basis of disability by discharging him, or retaliated against Marc D. Christensen for engaging in protected conduct under the MHRA and/or the WPA. 5 in favor | 0 opposed.

E16-0175: Charles W. Owens (Lewiston) v. Moark of Maine, LLC/Hillandale Farms (St. Paul, MN). Complainant was not present. Commissioner Whitworth moved, seconded by Commissioner Norman, to find no reasonable grounds to believe that Moark of Maine, LLC/Hillandale Farms retaliated against Charles W. Owens in violation of the WPA. 5 in favor | 0 opposed.

E16-0381: Nicholas Moffo (Harrison) v. Jotul North America (Gorham). Attorney Samuel Riotte restated the position of the Complainant. Attorney Elizabeth Oliver restated the position of the Respondent. Investigator Corey restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Norman, to find no reasonable grounds to believe that Respondent Jotul North America discriminated against Complainant Nicholas Moffa by discharging him on the basis of disability or retaliated against Complainant Nicholas Moffa for engaging in WPA-protected activity. 5 in favor | 0 opposed.

At 10:15 AM, Commissioner Clark called for a 5 minute recess.

E17-0242 Jennifer Belanger (Augusta) v. Secretary of State/Bureau of Motor Vehicles/State of Maine, Stevens and Lincoln (Augusta). Complainant was not present. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Secretary of State/Bureau of Motor Vehicles/State of Maine, Ethan Stevens, or Cindy Lincoln unlawfully subjected Jennifer Belanger to a hostile work environment the basis of religion or unlawfully retaliated against Jennifer Belanger in violation of the MHRA or WPA. 5 in favor | 0 opposed.

## **EXECUTIVE SESSION:**

At 10:20 AM, Commissioner Whitworth moved, seconded by Commissioner Norman, 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 10:37 AM, Commissioner Helberg moved, seconded by Commissioner Whitworth, to come out of executive session. 5 in favor | 0 opposed.

## **LITIGATION:**

At approximately 10:37 AM, Commissioner Norman moved, seconded by Commissioner Oettinger, that the Commission should pursue litigation in the reasonable-grounds case H17-0074-B (Harmon v. Siciliani) and should not pursue litigation in the reasonable-grounds cases E15-0301 (Johnson v. Molina Healthcare) and E15-0412 (DeSalle v. Rollins, Inc.). 5 in favor | 0 opposed.

At 10:38 AM 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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| PA/ED15-0515: Hunter Millard (Woodland) v. Eastern Aroostook RSU 39 (Caribou)   | NRG |
| E15-0524: Sandra Patterson (Etna) v. Bradford Enterprises, Inc. (Brewer)  | NRG |
| E15-0552: Michael J. Henry (Jay) v. RSU 73 (Livermore Falls)  | RG  |
| E15-0578: George Moser (Alfred) v. MSAD #60 (North Berwick)   | NRG |
| PA16-0009: Michael F. Hodge (Industry) v. Town of Industry (Industry) & Dovey Balsam (Rockland)                                       | NRG |
| PA16-0011: Christopher Thomas (Westbrook) v. Cafua Management d/b/a Dunkin Donuts (Methuen, MA)                                       | RG  |
| PA16-0227: George J. Stanley (Greene) v. Cumberland Farms (Lewiston)  | NRG |
| H17-0367-A,B: Judith K. Hall (Portland) v. Preservation Management (South Portland) and Freeport Housing Trust, Inc. (South Portland) | NRG |