



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

Senator Inn - Boardroom

19 Union Street ~ Augusta, Maine

June 25, 2018

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

AGENDA

Commissioner Helberg moved, seconded by Commissioner Whitworth, to adopt the Agenda as amended and to accept the Investigator's recommended decision in each of the cases listed on the Consent Agenda (see listing on page 4). 5 in favor | 0 opposed.

MINUTES

Commissioner Whitworth moved, seconded by Commissioner Norman, to adopt the May 21, 2018 Commission meeting minutes. 5 in favor | 0 opposed.

ADMINISTRATION

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

- Personnel: The Commission has received approval to begin the hiring process and fill the field investigator position that was vacant as of March 28, 2018.
- Compliance:
 - Since the last meeting, there were five active conciliations and one successful conciliations. One reasonable-grounds cases which have been resolved by agreement at or after conciliation. Commissioner Helberg moved, seconded by Commissioner Oettinger, to approve the conciliation agreements in Draper v. City of Auburn Police Department (PA16-0096). 5 in favor | 0 opposed.
- New Charges: 43 new charges were filed in May.
- Administrative Dismissals: 22 cases were administratively dismissed in May.
- In May, there were 17 predetermination settlements with benefits in excess of \$263,000 to complainants.

NEW BUSINESS

- Executive Director Sneirson presented a right to sue request from Complainant in Archer v Veteran's Inc. E16-0303). Commissioner Commissioner Whitworth moved, seconded by Commissioner Oettinger, to issue a right to sue letter at the Complainant's request in case in E16-0303, Archer v. Veterans Inc. 4 in favor | 0 opposed | 1 Abstained (Helberg Abstained).

- Executive Director Sneirson reported that HUD completed its annual audit of the Commission's practices and outcomes and found that the MHRC had maintained substantial equivalency with the FHA and HUD worksharing requirements.
- MHRC's Biennial Budget submission deadline is anticipated to be late August.
- The EEOC Conference is happening this week in Texas.
- The unifymaine coalition of which the Commission is a part launched its work.

At 8:45 AM Commission Chair Arnold Clark began the case hearing agenda.

CASES VOTED ON

E16-0222: Deborah B. Chapman (Penobscot) v. Community Childhood Learning Place (Castine). Deborah Chapman restated her position as the complainant. Attorney Philip Coffin restated the position of the Respondent. Chief Investigator Alice Neal restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find No reasonable grounds to believe that Respondent Community Childhood Learning Place retaliated against Complainant Deborah B. Chapman for engaging in WPA-protected activity. 5 in favor | 0 opposed.

E16-0327: Sherri L. O'Leary (Gray) v. State of Maine Department of Public Safety (Augusta). Attorney Jordan Payne Hay restated the position of the Complainant. Assistant Attorney General Kelly Morrell restated the position of the Respondent. Investigator Joseph Hensley restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Oettinger, to find no reasonable grounds to believe that State of Maine Department of Public Safety unlawfully retaliated against Sherri O'Leary for engaging in MHRA- and/or WPA-protected activity, and the complaint should be dismissed in accordance with 5 M.R.S. 5 4612(2). 4 in favor | 1 opposed (Helberg Opposed).

E16-0499: Kathryn A. Gerrish (West Gardiner) v. Central Maine Power Company (Augusta). Kathryn Gerrish restated her position as the Complainant. Attorney Margaret LePage restated the position of the Respondent. Investigator Robert Beauchesne restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Oettinger, to find No Reasonable Grounds to believe that Central Maine Power Company discriminated against Kathryn Gerrish on the basis of disability (reasonable accommodation, discharge); and No Reasonable Grounds to believe Central Maine Power Company discriminated against Kathryn Gerrish based on a prior claim under the Maine Workers' Compensation Act; and No Reasonable Grounds to believe that Central Maine Power retaliated against Kathryn Gerrish for engaging in WPA- and/or MHRA-protected conduct. 3 in favor | 0 opposed | 2 abstained (Commissioners Whitworth and Norman).

PA17-0133: Kathaleen Harding (Waterville) v. Villager Restaurant (Waterville). Kathaleen Harding restated her position as the Complainant. Respondent did not appear. Investigator Joseph Hensley restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Whitworth to find no reasonable grounds to believe that Villager Restaurant discriminated against Kathaleen Harding on the basis of disability (use of a service animal). 5 in favor | 0 opposed.

PA17-0141: Gary Mongeau (Turner) v. The Ramada Inn of Ellsworth Maine (Ellsworth). Gary Mongeau restated his position as the Complainant. Attorney Stephen Langsdorf restated the position of the Respondent. Investigator Jenn Corey restated the facts of the case. Commissioner Oettinger moved, seconded by Commissioner Norman, to find No Reasonable Grounds to believe that The Ramada Inn of Ellsworth Maine denied Gary Mongeau a reasonable accommodation for his disability; and No Reasonable Grounds to believe that Gary Mongeau was subjected to unlawful discrimination on the basis of disability (denial of access) by The Ramada Inn of Ellsworth Maine. 5 in favor | 0 opposed.

H18-0024: Kristin Bauman (Greenland, NH) v. Michael & Rena Lassel (South Berwick, ME). Attorney Christopher Causey restated the Respondents' position. Kristin Bauman restated her position as the Complainant. Chief Investigator Alice Neal restated the facts of the case. Commissioner Helberg moved, seconded by Commissioner Oettinger, to find **Reasonable Grounds** to believe that Michael Lassel and Rena Lassel discriminated against Kristin Bauman on the basis of disability in the terms and conditions of her housing by denying her the reasonable accommodation of an assistance animal; and **Reasonable Grounds** to believe that Michael Lassel and Rena Lassel discriminated against Kristin Bauman on the basis of disability in the terms and conditions of her housing by ending her tenancy; and **Reasonable Grounds** to believe that Michael Lassel and Rena Lassel discriminated against Kristin Bauman on the basis of disability when it made housing unavailable to her; and **Reasonable Grounds** to believe that Michael Lassel and Rena Lassel retaliated against Kristin Bauman for asserting her rights under the Maine Human Rights Act; an. 5 in favor | 0 opposed.

E16-0417 A, B: Kathleen M. Lochiatto (East Newport) v. Sodexo (Gaithersburg, MD) & Maine Maritime Academy (Castine). Complainant was not present. Commissioner Whitworth moved, seconded by Commissioner Helberg, to find No Reasonable Grounds to believe that Sodexo or Maine Maritime Academy discriminated against Kathleen M. Lochiatto based on her sexual orientation. 5 in favor | 0 opposed.

H18-0064 A, B: Brent Frodyman (South Berwick) v. Michael Desjardins (Kittery) & 135 Portland Street, LLC (Kittery). Attorney Christopher Causey restated the position of the Respondents. Brent Frodyman restated his position as the Complainant. Chief Investigator Alice Neal restated the facts of the case. Commissioner Norman moved, seconded by Commissioner Clark, to find **Reasonable Grounds** to believe that Michael Desjardins and 135 Portland Street, LLC discriminated against Brent Frodyman on the basis of disability by denying him the use of an assistance animal, and **Reasonable Grounds** to believe that Michael Desjardins and 135 Portland Street, LLC retaliated against Brent Frodyman in violation of the MHRA. 3 in favor | 2 opposed (Whitworth and Helberg Opposed).

EXECUTIVE SESSION

At 11:40 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 11:46 PM, Commissioner Oettinger moved, seconded by Commissioner Whitworth, to come out of executive session. 5 in favor | 0 opposed.

LITIGATION

At approximately 11:58 PM, Commissioner Clark adjourned the meeting.

TABLED

E16-0181:* Helen Crabtree (Auburn) v. Central Maine Medical Center (Lewiston) and Maine College of Health Professionals (Lewiston)

E16-0369: William A. Hale (Norridgewock) v. Vestas American Wind Tech (Eustis)

H/PA18-0049:* Kim Norwood (Northport, FL) v. Bangor Housing Authority (Bangor, ME)

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.

E16-0240:	Zoila Marenco (Charlestown, RI) v. Oxford Casino (Oxford)	NRG
E16-0251:	Jessica Desjardins (Wallagrass) v. Maine Department of Transportation (Presque Isle)	NRG
E16-0536 A, B:	Deborah Quinn (Monroe) v. State of Maine/Department of Corrections/Maine State Prison (Warren) & NRG Correct Care Solutions, LLC (Portland)	NRG
H18-0027 A, B, C, D:	Joseph Bonaddio (Searsport) & William Paquet (Searsport) v. Jane Curtis (Stockton Springs) & Rainbow Apartments/Rocky Ridge (Stockton Springs)	NRG
H18-0028 A, B:*	Shane Robertson (Saco) v. Carol Starbird Crawford (South Portland) & Robb Allen Crawford (South Portland)	RG
H18-0038 A, B:	Rev. Phelan Moonsong (Lewiston, ME) v. Sean Clemens (Atkinson, NH) & David Clemens (Atkinson, NH)	NRG
H18-0056 A, B:	Floyd Smart (Bangor) v. Community Housing of Maine, Inc. (Portland) & Kyra Walker, COO (Portland)	NRG