



# Maine Human Rights Commission

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EXECUTIVE DIRECTOR

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## COMMISSION MEETING MINUTES

### Senator Inn - EMBASSY ROOM

*284 Western Ave ~ Augusta, Maine 04330*

November 18, 2019

Commission Chair Clark called the meeting to order at 8:30 AM. Also present were Commissioners Whitworth, Ashby and Oettinger.

### AGENDA

Before approving the agendas, the Commissioners addressed a request to withdraw a complaint for a case on the hearing agenda, Lisa Edstrom v. Biddeford School Department and Jeremy Ray (E18-0281-AB):

- Commissioner Whitworth moved, seconded by Commissioner Oettinger, not to grant the Complainant's request to withdraw the complaint because the parties resolved their dispute. Before voting on the motion occurred, Commissioner Whitworth withdrew her motion, and Commissioner Oettinger withdrew his second of the motion.
- At approximately 8:40 AM, Commissioner Ashby moved, seconded by Commissioner Oettinger, 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 8:51 AM, Commissioner Ashby moved, seconded by Commissioner Whitworth, to come out of Executive Session. 4 in favor | 0 opposed.
- Commissioner Whitworth moved, seconded by Commissioner Oettinger, not to grant Complainant's withdrawal request. 2 in favor | 2 opposed (Ashby & Clark opposed); the motion did not pass.
- Commissioner Clark moved, seconded by Commissioner Ashby, to grant the Complainant's withdrawal request. 2 in favor | 2 opposed (Whitworth & Oettinger opposed); the motion did not pass.

With no motion passed, Complainant's withdrawal request was not granted, and the Commission's agendas were not amended.

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

### MINUTES

Commissioner Ashby moved, seconded by Commissioner Whitworth, to adopt the October 21, 2019 Commission meeting minutes. 4 in favor | 0 opposed.

## ADMINISTRATION

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

- Personnel: With respect to the field investigator position, Milo Gitchos will be starting in the position on December 2. On November 4, our new Paralegal, Alyson Dabbs, joined us.
- Compliance: Since the last meeting, there were two unsuccessful conciliations and no successful conciliations. Eight reasonable-grounds cases remain in active conciliation.
- New Charges: 68 new complaints filed in October.
- Administrative Dismissals: 7 administrative dismissals issued in October.
- There were 7 predetermination settlement agreements totaling \$121,000 in benefits to complainants.

## NEW BUSINESS

Executive Director Sneirson announced that the Maine Human Rights Summit, a statewide human rights conference, will be held on December 10, 2019 at the Augusta Civic Center, and those interested in participating may register on the [unifymaine](#) website. As part of that Human Rights Summit, the Commission will be holding a legal seminar for attorneys eligible for continuing legal education credits, and those interested in participating may register online for the event on the Commission's website.

Executive Director Amy Sneirson announced several cases would be taken out of order, for a variety of reasons.

At 8:57 AM Chair Clark began the case hearing agenda.

## CASES VOTED ON

PA18-0371: Farhan Abdi (Burlington, VT) v. Hardy Wolf & Downing (Portland). An interpreter was utilized in this proceeding. Farhan Abdi restated his position as the Complainant. The Respondent was not present. Investigator O'Reilly reviewed her report and recommended findings. Commissioner Whitworth moved, seconded by Commissioner Oettinger, to find there are no reasonable grounds to believe that Hardy Wolf & Downing discriminated against Farhan Abdi on the basis of national origin. 4 in favor | 0 opposed.

E18-0132-AB\*: Jana Markwart-Sapienza (Rockport) v. The Drouthy Bear (Camden) and Andrew Stewart (Camden). Attorney Patrick Mellor restated the position of the Respondent. Attorney Lisa Butler restated the position of the Complainant. Investigator Alexandra Brindley reviewed their report and recommended findings. Commissioner Whitworth moved, seconded by Commissioner Ashby, to find there are no reasonable grounds to believe that The Drouthy Bear and Andrew Stewart discriminated against Jana Markwart-Sapienza on the basis of national origin (hostile work environment, discharge). 4 in favor | 0 opposed. Commissioner Whitworth moved, seconded by Commissioner Ashby, to find there are **reasonable grounds** to believe that The Drouthy Bear and Andrew Stewart retaliated against Jana Markwart-Sapienza for engaging in WPA-protected activity. 4 in favor | 0 opposed.

PA18-0167\*: Judith Estee (Orland) v. Lethabo (Orland). Attorney Robert Van Horn restated the position of the Respondent. Judith Estee restated her position as the Complainant. Chief Investigator Alice Neal reviewed the report by Investigator Robert Beauchesne and his recommended findings. Commissioner Whitworth moved, seconded by Commissioner Ashby, to find no reasonable grounds to believe that Lethabo discriminated against Judith Estee on the basis of disability. 4 in favor | 0 opposed.

At 10:55 AM Chair Clark called for a 5 minute break, and also Commissioner Ashby left the meeting.

E18-0416: Jennifer Belanger (Augusta) v. Department of Health and Human Services (Augusta). Complainant was not present. Commissioner Oettinger moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that the Department of Health and Human Services discriminated against Jennifer Belanger in employment on the basis of disability. 3 in favor | 0 opposed.

PA17-0424-A/B\*: Patricia Sarchi (Falmouth) v. Uber Technologies, Inc. (San Francisco, CA) and Rasier, LLC (San Francisco, CA). Attorney Asha Santos restated the position of the Respondent. Attorney Kristin Aiello restated the position of the Complainant. Investigator Kit Thomson Crossman reviewed their report and recommended findings. Commissioner Whitworth moved, seconded by Commissioner Oettinger, to find there are **reasonable grounds** to believe that Uber Technologies and Rasier, LLC discriminated against Patricia Sarchi on the basis of disability. 3 in favor | 0 opposed.

PA18-0221: Ricky Soucy (Windham) v. State of Maine/Department of Corrections/State Prison (Augusta/Warren). Complainant was not present. Commissioner Oettinger moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that State of Maine/Department of Corrections/State Prison discriminated against Ricky Soucy on the basis of disability and no reasonable grounds to believe that State of Maine/Department of Corrections/State Prison retaliated against Ricky Soucy for engaging in MHRA-protected activity. 3 in favor | 0 opposed.

E18-0281-AB\*: Lisa Edstrom (Biddeford) v. Biddeford School Department (Biddeford) and Jeremy Ray (Biddeford). Attorney Tom Trenholm restated the position of the Respondent. Complainant was not present. Investigator Jane O'Reilly reviewed her report and recommended findings. Commissioner Whitworth moved, seconded by Commissioner Oettinger, to find **reasonable grounds** to believe that Biddeford School Department discriminated against Lisa Edstrom on the basis of age and sex. 2 in favor | 1 opposed (Clark opposed). Commissioner Whitworth moved, seconded by Commissioner Oettinger, to find no reasonable grounds to believe that Jeremy Ray discriminated against Lisa Edstrom on the basis of age or sex. 3 in favor | 0 opposed.

PA18-0293: Brian Robinson (Mechanic Falls) v. Auburn Police Department (Auburn). Brian Robinson restated his position as the Complainant. Attorney Edward R. Benjamin restated the position of the Respondent. Investigator Kit Thompson Crossman reviewed their report and recommended findings. Commissioner Oettinger moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that the Auburn Police Department discriminated against Brian Robinson on the basis of race or color. 3 in favor | 0 opposed.

E18-0410: Robert Rancourt (Burlington, CT) v. Cyn Environmental Services (Stoughton, MA). Attorney Samuel S. Riotte restated the position of the Complainant. Attorney Rick Finberg restated the position of the Respondent. Investigator Jane O'Reilly reviewed her report and recommended findings. Commissioner

Whitworth moved, seconded by Commissioner Oettinger, to find no reasonable grounds to believe that Cyn Environmental Services retaliated against Robert Rancourt for engaging in WPA-protected activity. 3 in favor | 0 opposed.

At 1:16 PM Chair 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.

E18-0245:	Rose Houlton (Lyman) v. Thatcher Brook Center (Biddeford)	NRG
PA18-0300: A, B, C	Amanda Sherman individually and o/b/o minor child (Presque Isle) v. MSAD 1/Superintendent Brian Carpenter (Presque Isle) & Tim McCue (Presque Isle) & Denise Bosse (Presque Isle)	NRG
<b>E18-0331*:</b>	<b>Kimberly S. Hunter (Lewiston) v. St. Mary's Hospital (Lewiston)</b>	<b>RG</b>
E18-0369: A, B	Eunice Francis (Perry) v. Abbie Rohde (Franklin, TN), Acadia Healthcare - Discovery House Calais CTC (Franklin, TN)	NRG
E18-0377:	Raechel Clewley (Garland) v. MidNite Solar, Inc. (Arlington, WA)	NRG
E18-0453:	Candace Antonelli Torres (Tyngsboro, MA) v. @ Work aka at work agency (Turner)	NRG
H19-0258:	Kelly Bineau, individually and on behalf of Minor Child (Wells) v. Patty Palmer (Old Orchard Beach)	NRG
H19-0259: A, B	Kelly Bineau, individually and on behalf of Minor Child (Wells) v. SNZT Realty, Inc. (York) and R&E Associates (Kennebunk)	NRG

### TABLED

E18-0092*:	Gary Crouse on behalf of Dameon Crouse (Augusta) v. Walmart Stores, Inc.; Walmart Stores East L.P.; Walmart Supercenter (Bangor)
H19-0202*: A,B,C,D,E	Angela Pitts (Lewiston) v. Ricky Drew (Raymond), Adam Mack (Standish), Jesse Warren (Charleston), Nicole Policano (Auburn), and Blue Wagon, LLC (Raymond)