

Maine Human Rights Commission

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COMMISSION MEETING MINUTES

-ZOOM-

December 14, 2020

Commissioner Deborah Whitworth chaired the meeting and called it to order at 8:30 AM. Also present were Commissioners Ted Helberg, Jefferson Ashby and Edward David.

AGENDA

Commissioner Ashby moved, seconded by Commissioner David, 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 4). 4 in favor | 0 opposed.

MINUTES

Commissioner Helberg moved, seconded by Commissioner Ashby, to adopt the November 16, 2020 Commission meeting minutes. 4 in favor | 0 opposed.

ADMINISTRATION

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

- Personnel: Nothing to report.
- Compliance: Since the last meeting, there were two unsuccessful conciliations and no successful conciliation. Seven reasonable-grounds cases remain in active conciliation. One successfully-conciliated case is ready for dismissal, as all terms of the conciliation agreement have been implemented; Commissioner David moved, seconded by Commissioner Ashby, to dismiss Hill v. Great American Real Food Fast (E18-0356). 4 in favor | 0 opposed.
- New Charges: 55 new complaints filed in November.
- Administrative Dismissals: 11 administrative dismissals issued in November.
- There were 3 predetermination settlement agreements totaling nearly \$100,000 in benefits to complainants.

NEW BUSINESS

Executive Director Amy Sneirson reported that the Commission submitted one agency-initiated bill to the Legislature; the bill mirrors LD 1703 from the 129th Legislature, which died in spring 2020 during the pandemic shortened session.

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

CASES VOTED ON

E18-0503*: Minda McVetty (Rockland) v. Thomaston Place Auction Galleries, Inc. (Thomaston). Attorney Jason Dionne restated the position of the Respondent. Attorney Maria Fox restated the position of the Complainant. Investigator Robert Beauchesne reviewed his report and recommendations. Commissioner Helberg moved, seconded by Commissioner David, to find **reasonable grounds** to believe that Thomaston Place Auction Galleries, Inc. discriminated against Minda McVetty on the basis of age. 4 in favor | 0 opposed.

E19-0081*: Judy Maheu (Waterville) v. Champions Fitness Club (Waterville). Attorney Alyssa Tibbetts restated the position of the Respondent. Complainant did not appear. Investigator Milo Gitchos reviewed his report and recommendations. Commissioner Ashby moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Champions Fitness Club discriminated against Judy Maheu based on her age when it discharged her from her employment. 4 in favor | 0 opposed.

E19-0286A&B*: Frank J. Schwartz (Seal Harbor) v. Corporate Chefs, Inc. (Haverhill) & Elio North America (Charlotte). Attorney Stephen Orlando restated the position of the Respondents. Attorney Seth Libby restated the position of the Complainant. Investigator Alice Neal reviewed their report and recommendations. Commissioner Helberg moved, seconded by Commissioner Ashby, to find **reasonable grounds** to believe that Respondents discriminated against Frank Schwartz based on his age when they discharged him from his employment and **reasonable grounds** to believe that Respondents retaliated against Frank Schwartz for engaging in protected activity. 4 in favor | 0 opposed.

E19-0411A-D: Lloyd Cox (South Paris) v. SPX Corp-Radiodetection (Raymond), Mike Tripp (Raymond), Jodie Kandel (Raymond), & Zenya Brackett (Raymond). The Commissioners did not hear argument on the case, as Executive Director Sneirson noted that there was not a submission disagreeing with the recommended findings and the case was mistakenly listed on the hearing agenda. Commissioner Ashby moved, seconded by Commissioner David, to find no reasonable grounds to believe that SPX Corp./Radiodetection ME, Mike Tripp, Jodie Kandel, or Zenya Brackett discriminated against Lloyd Cox based on his race, color, or sex and no reasonable grounds to believe that SPX Corp./Radiodetection ME, Mike Tripp, Jodie Kandel, or Zenya Brackett retaliated against Lloyd Cox in violation of the MHRA and/or the WPA. 4 in favor | 0 opposed.

E19-0501: Alexia Barcelou (Lewiston) v. Bright Beginnings Child Care, Inc. (Auburn). Attorney Jason Dionne restated the position of the Complainant. The Respondent was not present. Investigator Kit Thomson Crossman reviewed their report and recommendations. Commissioner Helberg moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Bright Beginnings Child Care, Inc., retaliated against Alexia Barcelou for engaging in protected activity. 4 in favor | 0 opposed.

H20-0343: Lawrence J. Gagnon (Waterville) v. Waterville Housing Authority (Waterville). Lawrence Gagnon restated his position as the Complainant. Attorney James LaLiberty restated the Respondent's position. Investigator Gitchos reviewed his report and recommendations. Commissioner David moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Waterville Housing Authority discriminated against Lawrence Gagnon based on disability and/or receipt of public assistance, and no reasonable grounds to believe that Waterville Housing Authority retaliated against Lawrence Gagnon for engaging in MHRA-protected activity. 4 in favor | 0 opposed.

At approximately 11:52 AM, Commissioner Whitworth left the meeting.

EXECUTIVE SESSION

At 11:53 AM, Commissioner David moved, seconded by Commissioner Helberg, 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). 3 in favor | 0 opposed.

At approximately 12:05 PM, Commissioner Ashby moved, seconded by Commissioner David, to come out of executive session. 3 in favor | 0 opposed.

Commissioner Ashby moved, seconded by Commissioner David, for the Commission to do the following:

- a. To not litigate MHRC #E18-0275, Steven D. Day v. Sappi Fine Paper of North America, a reasonable-grounds cases in which conciliation was not successful, AND
- b. To litigate MHRC #H20-0127, Benjamin Skibitsy v. Vivian Savage, a reasonable-grounds case in which conciliation was not successful.

3 in favor | 0 opposed.

At approximately 12:07 PM, the meeting was adjourned.

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.

E19-0206	Lili McCarthy (Brewer) v. Heritage on 9 Restaurant & Tavern (Holden)	NRG
E19-0493 ^{B*}	Karlyn (Lyman) Gendron (Monson) v. Greenhill Estate (Greenwich, CT)	RG
E19-0497	Nicole Gilbert (Turner) v. Production Services of Maine (Old Town)	NRG
E19-0502	Dean Ventry (Phippsburg) v. JBR Maine, LLC (Rockland)	NRG
H20-0328 ^{A&B}	Debra Leone (Lisbon) v. Realty Resources & Farwell Mills Apartments (Rockport)	NRG
H/PA20-0331 ^{A&B}	Steven Mendlovitz (Presque Isle) v. Orono Commons (Orono) and Eastern Maine Medical Center (EMMC) / Northern Light Health (Bangor)	NRG