



Maine Human Rights Commission

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Amy M. Sneirson
EXECUTIVE DIRECTOR

Barbara Archer Hirsch
COMMISSION COUNSEL

COMMISSION MEETING MINUTES - ZOOM -

April 12, 2021

Commissioner Deborah Whitworth chaired the meeting and called it to order at 8:31 AM. Also present were Commissioners Jefferson Ashby, Edward David and Jill Duson.

AGENDA

Before review of the agendas for approval, Executive Director Amy Sneirson presented the Commissioners with two requests from Complainants with cases on the Consent Agenda to withdraw their complaints, the granting of which would change the agendas to be adopted. Commissioner Ashby moved, seconded by Commissioner Whitworth, to approve withdrawal of the complaints in KaLissa Hayes v. Ellsworth Mhp, LLC & David Schmid (H20-0486-AB) and Savana Miller v. Sarah's Café & Sarah Heald (H/E20-0440AB). 4 in favor | 0 opposed.

Commissioner Duson moved, seconded by Commissioner David, to adopt the Agenda and Amended Consent Agenda to accept the Investigator's recommended decision in each of the cases listed on the Consent Agenda (see listing on page 3). 4 in favor | 0 opposed.

MINUTES

Commissioner Ashby moved, seconded by Commissioner David, to adopt the March 2021 Commission Meeting Minutes. 4 in favor | 0 opposed.

ADMINISTRATION

Monthly reports: Executive Director Sneirson discussed reporting on the following Commission activities:

- Personnel: No personnel changes to report.
- Compliance: Since the last meeting, there are fourteen reasonable-grounds cases in active conciliation, and there have been two successful conciliations and one unsuccessful conciliation. Commissioner Ashby moved, seconded by Commissioner David, to approve Conciliation Agreements in McVetty v Thomaston Place Auction Galleries (E18-0503) and Lizotte v Hannaford Broadway (PA19-0405). 4 in favor | 0 opposed.
- New Charges: 62 new complaints filed in March.
- Administrative Dismissals: 17 administrative dismissals issued in March.
- There were 24 predetermination settlement agreements totaling \$1,028,025 in benefits to complainants.

Quarterly reports:

- Training & Education: Commission staff attended/participated in 11 training or education sessions from January through March 2021.
- Financial Reports: Presented and placed on file.
- Pending Inventory: 676 cases pending at the end of March.
- 39 Settlements with over \$1.4M to Complainants.

NEW BUSINESS

Legislative Updates:

The Legislature's review and approval of the Biennial Budget has so far resulted in an approval of baseline funding for the Commission for 2021-22 and 2022-2023, with additional review to come by the Appropriations Committee of detailed proposals approved by the Judiciary Committee. The Office of the Governor has indicated that it intends to nominate (or has nominated) a new appointee for the vacant seat previously held by Arnold Clark.

At 8:46 AM Commissioner Whitworth began the case hearing agenda.

CASES VOTED ON

E19-0451: Bridget Fitzgerald (Portland) v. UNUM (Chattanooga, TN). Attorney Ali Tozier restated the position of the Complainant. Attorney Ellen McCann restated the position of the Respondent. Investigator Milo Gitchos reviewed his report and recommendations. Commissioner David moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that UNUM discriminated against Bridget FitzGerald based on disability and no reasonable grounds to believe that UNUM retaliated against Bridget FitzGerald for engaging in MHRA- and/or WPA-protected activity. 4 in favor | 0 opposed.

E20-0052: Donald Saastamoinen (Rockland) v. Maine Behavioral Healthcare (Rockland). Donald Saastamoinen restated his position as the Complainant. Attorney Nicole Lorenzatti restated the position of the Respondent. Investigator Kit Thomson Crossman reviewed their report and recommendations. Commissioner Ashby moved, seconded by Commissioner Duson, to find no reasonable grounds to believe that Maine Behavioral Healthcare discriminated against Donald Saastamoinen on the basis of age and/or sex, and no reasonable grounds to believe that Maine Behavioral Healthcare retaliated against Donald Saastamoinen for engaging in WPA/MHRA-protected activity. 4 in favor | 0 opposed.

H20-0524AB*: Danielle Johnson (Biddeford) and Johnny Johnson (Biddeford) v. Thomas S. Auger (Cumberland Foreside) and Diana Kane (Biddeford). Attorney Kenneth Fredette restated the position of Respondent Kenneth Auger, who also presented on his own behalf. Attorney Patricia Ender restated the position of the Complainants. Investigator Gitchos reviewed his report and recommendations. Commissioner David moved, seconded by Commissioner Ashby, to find no reasonable grounds to believe that Thomas Auger and/or Diana Kane discriminated against Danielle and Johnny Johnson based on race, color, ancestry, national origin, and familial status and no reasonable grounds to believe that Diana Kane discriminated against Danielle and Johnny Johnson based on familial status. 4 in favor | 0 opposed. Commissioner David moved, seconded by Commissioner Ashby, to find **reasonable grounds** to believe that Thomas S. Auger discriminated against Danielle and Johnny Johnson based on familial status (unlawful inquiry). 4 in favor | 0 opposed. Commissioner Duson moved, seconded by Commissioner Ashby, to find reasonable grounds to believe that Thomas S. Auger discriminated against Danielle and Johnny Johnson based on familial status (making housing unavailable). 2 in favor | 2 opposed (David and Whitworth opposed); the motion did not prevail and the default finding was no reasonable grounds to believe unlawful discrimination occurred.

PA19-0138-ABC: Timothy Damien (Bradley) v. City of Old Town Fire Department (Old Town), Northern Lights EMCC (Bangor), and St. Joseph's Hospital (Bangor). Complainant was not present. American Sign Language interpreters were present and interpreted the proceedings. Commissioner David moved, seconded by Commissioner Ashby, to find no

reasonable grounds to believe that Respondents City of Old Town Fire Department, Northern Lights EMMC, and St. Joseph's Hospital discriminated against Timothy Damien on the basis of disability. 4 in favor | 0 opposed.

EXECUTIVE SESSION

At 11:14 PM, Commissioner Whitworth moved, seconded by Commissioner David, 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 11:32 PM, Commissioner Ashby moved, seconded by Commissioner Whitworth, to come out of Executive Session. 4 in favor | 0 opposed.

At approximately 11:33 PM the meeting was adjourned.

CONSENT AGENDA¹

E19-0296: Randy Geaumont (Chelsea) v. State of Maine Department of Transportation (Augusta)	NRG
E19-0321: Lena Minervino (Portland) v. Cystic Fibrosis Foundation (Augusta)	NRG
E20-0100: Karen M. Redman (Marshfield) v. Washington County (Machias)	NRG
E20-0150*: Salah Elbarbary (Biddeford) v. The Penobscot Company (Rockport)	RG
H/PA20-0487ABC: Taja DelGreco (Sandy, UT) v. Glen Eagle Condominium Association (Old Orchard Beach), James Robinson (Old Orchard Beach) and Diane Keelan (Old Orchard Beach)	NRG
PA20-0108*: Stephanie McCormick (Augusta) v. Joseph Toothaker (Augusta)	RG

* Indicates a case in which a "reasonable grounds" finding was recommended

¹ 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.