



Maine Human Rights Commission

51 State House Station - Augusta, ME 04333

Patricia E. Ryan
Executive Director

John P. Gause
Commission Counsel

COMMISSION MEETING MINUTES

*Senator Conference Center (Best Western) Embassy Room
284 Western Ave ~ Augusta, Maine*

October 26, 2009

Commissioner Chandler called the October 26, 2009 Commission meeting to order at 8:34 a.m. Present were Commissioners: Sallie Chandler, Joe Perry; and Kenneth Fredette.

Commissioner Chandler called for adoption of the agenda.

- Executive Director Patricia Ryan requested that case E08-0221: Carolyn Wallace v. Catholic Charities of Maine to the second case on the morning Agenda.
- Executive Director Patricia Ryan requested that case H09-0261: Mary Smyth Stewart, v. You, LLC & D. Pettigrew to the third-to-last case on the morning Agenda.
- Executive Director Patricia Ryan requested that case E08-0225: Blancato v. Verso Paper be moved to the second to last case on the morning Agenda.
- Executive Director Patricia Ryan requested that case PA08-0261 Parent of Minor, individually and o/b/o Minor Child v. SOM/DHHS and PA08-0262 Parent of Minor, individually and o/b/o Minor Child v. Maine Adoption Placement to the last case on the morning Agenda.
- Executive Director Patricia Ryan requested that E08-0324, *Ross v. JP Morgan Chase* be tabled pending settlement.
- Executive Director Patricia Ryan requested that E08-0443, *Campos v. Standard Insurance* be removed from the Agenda pending settlement.
- Executive Director Patricia Ryan requested that *E08-0115 Duchette v. Kyllonen d/b/a Sara Jeanne's Family Hair Care* be removed from the Agenda pending settlement.
- Executive Director Patricia Ryan requested that Conciliation Agreement E08-0494: *Stanwood v. Father's Farm* be added to the Agenda.

Commissioner Fredette moved, seconded by Commissioner Perry to adopt the revised agenda as amended. 3 in favor | 0 opposed.

CONSENT AGENDA (see detailed listing on page 6)

Commissioner Fredette moved, seconded by Commissioner Chandler, to accept the Investigator's recommendations in each of the cases on the Consent Agenda. 3 in favor | 0 opposed.

MINUTES

Commissioner Fredette moved, seconded by Commissioner Perry, to adopt the September 21, 2009 Commission Meeting Minutes as written. 3 in favor | 0 opposed.

QUARTERLY REPORTS:

- Inventory Status Report & Resolutions: There were 673 open cases at the end of September 2009. The Commission closed 111 cases during the preceding quarter. 30 of those cases were closed providing some benefit to Complainants. The monetary amount recovered for Complainants during that time period was \$71,220.
- Training and Education – Commissioners reviewed Compliance Officer Fran Davis' first quarter report and it was placed on file.
- Litigation - Commissioners agreed to move this item to another part of the agenda when the Commission could go into Executive Session.
- Financial Report - Commissioners reviewed the quarterly financial report and it was placed in the file.

ADMINISTRATION

Executive Director Patricia Ryan reviewed the report, dated October 13, 2009, indicating the office staff were receiving staffing assistance from the Senior Community Service Employment Program through the National Able Network, to assist with reception duties from two individuals at twenty hours per week.

COMPLIANCE

- Compliance Report: Commissioners reviewed Fran Davis' report and it was placed on file.

Commissioners reviewed Fran Davis' memo regarding E08-0069 Castanga v. Volk Packaging Corporation and agreed to dismiss this reasonable grounds case because the matter had been resolved between the parties.

Commissioner Fredette moved, seconded by Commissioner Perry to accept the Conciliation Agreement in E08-0494: *Patti Stanwood v. Father's Farm* 3 in favor | 0 opposed.

INVESTIGATION

- New Charges: Commission staff opened 50 new cases in September.
- Administrative Dismissals: Commission staff administratively dismissed 14 cases in September.
- Pre-determination Settlements: During the months of August, investigators were responsible for obtaining settlements in 20 cases resulting in a total monetary relief in excess of \$205,102.

NEW BUSINESS:

Executive Director Patricia Ryan discussed updates in several documents in publications including the Affirmative Action Plan dated October 15, 2009, and the FY 2009 MHRC Annual Report. Executive Director Patricia Ryan also discussed the Government Evaluation Act's Agency Program Evaluation Report which has been finalized and submitted to the Joint Standing Committee on Judiciary and noted that the Commission is scheduled for review in by the Judiciary Committee in the Second Regular Session. Executive Director Patricia Ryan announced Commissioner Sallie Chandler will be presented with the 2009 Catalyst for Change Award by the Jean Byers Sampson Center for Diversity in Maine today at the University of Southern Maine.

Commission Counsel John Gause discussed proposal for changes to two sections of the Commission's Procedural Rules. Commissioners agreed to send the draft out for comments without scheduling a hearing, and if a hearing is requested, schedule one at that time. Commissioners will receive all written comments on the proposed changes and consider those changes and adoption of the revised rules at the December 7, 2009, Commission meeting.

CASES VOTED ON:

E08-0594: Alexandra Taylor (S. Portland) v. Saga Communications (S. Portland): Attorney John Branson restated the position of the Complainant. Attorney Phillip Moss restated the position of the Respondent. Field Investigator Paul Pierce restated the facts of the case. Commissioner Fredette moved, seconded by Commissioner Perry to find no reasonable grounds to believe that Ms. Alexandra Taylor was subjected to unlawful sexual harassment, unlawfully dismissed because of her sex or was retaliated against by Saga Communications of New England for asserting alleged violations of the Maine Human Rights Act or for complaining of unlawful conduct in violation of the Whistleblowers' Protection Act. 3 in favor | 0 opposed.

E08-0221: Carolyn Wallace (Portland) v. Catholic Charities Maine (Portland): Carolyn Wallace restated the position of the Complainant. Attorney Doug Currier restated the position of the Respondent. Field Investigator Angela Tizon restated the facts of the case. Commissioner Perry moved, seconded by Commissioner Fredette to find no reasonable grounds to believe that Catholic Charities of Maine discriminated against Carolyn Wallace on the basis of age by subjecting her to different terms and conditions of employment and terminating her on the basis of age. 3 in favor | 0 opposed.

E08-0189: Neal Rasmussen (Old Orchard Beach) v. Casco Bay Structures (Saco): Complainant was not present.. Commissioner Fredette moved, seconded by Commissioner Perry to find no reasonable grounds to believe that Respondent, Casco Bay Steel Structures discriminated against Complainant, Neal Rasmussen because of Whistleblower retaliation or due to his age. 3 in favor | 0 opposed.

E08-0193: Janet Peaselee-Hilenski (Bridgewater) v. McCain Foods USA, Inc. (Easton): Respondent was not present. Commissioner Fredette moved, seconded by Commissioner Perry to find **reasonable grounds** to believe that the Complainant was denied a reasonable accommodation for her disability by Respondent. 3 in favor | 0 opposed.

E08-0298: April Vannah (Lewiston) v. New England Vending (Lisbon), E09-0217: April Vannah (Lewiston) v. World Wide Personnel Services (Auburn), AsmaraHR (Auburn), & TRSG, Inc. (NC): Attorney Chad Hansen restated the position of the Complainant. Attorney John Chapman restated the position of the Respondent. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Perry moved, seconded by Commissioner Fredette, to find **reasonable grounds** to believe that

Respondents New England Vending, Inc., World Wide Personnel Services of Maine, Inc., and TRSG, Inc., discriminated in employment against Complainant, Aprilannah, because of physical disability. 3 in favor | 0 opposed.

E08-0303: Michael DeAngelis (Portland) v. Verizon Partner Solutions (NY): Attorney Elly Burnett restated the position of the Complainant. Attorney Tim Van Dyck restated the position of the Respondent. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Perry moved, seconded by Commissioner Fredette to find no reasonable grounds to believe that the respondent, Verizon Partner Solutions, eliminated Complainant, Michael DeAngelis's job because of age or sexual orientation and no reasonable grounds to believe that Respondent, Verizon Partner Solutions, retaliated against Complainant, Michael DeAngelis, for complaining about age and sexual orientation discrimination. 3 in favor | 0 opposed.

E08-0318: James Leonard (Dresden) v. Atlantic Motorcar Services, Inc. (Wiscasset): Attorney Elly Burnett restated the position of the Complainant. Attorney Eric Uhl restated the position of the Respondent. Field Investigator Paul Pierce restated the facts of the case. Commissioner Perry moved, seconded by Commissioner Fredette to find **reasonable grounds** to believe that Mr. James Leonard was subjected to retaliatory dismissal by Atlantic Motorcar in violation of the Whistleblowers; Protection Act. 3 in favor | 0 opposed.

PA08-0354: Luz Maria Umpierre (Lewiston) v. Auburndale Cleaning Center, Inc. (Auburn). Complainant was not present. . Commissioner Perry moved, seconded by Commissioner Fredette to find no reasonable grounds to believe that Respondent, Auburndale Cleaning Center, Inc., discriminated against Complainant, Luz Maria Umpierre, on the basis of national origin or sex. 3 in favor | 0 opposed.

At 10:52 Commissioner Chandler called for a ten minute recess.

E08-0531: Nadine Henry (Bangor) v. Albert Jensen – Albert Jensen Construction (Dixmont). Nadine Henry restated the position of the Complainant. Attorney Seth Harrow restated the position of the Respondent. Commissioner Fredette moved, seconded by Commissioner Perry to find no reasonable grounds to believe that Albert Jensen, Owner, Albert Jensen Construction, has unlawfully discriminated against Ms. Nadine Henry because of sex. 3 in favor | 0 opposed.

H09-0261: Mary Smyth Stewart (Harrison) v. You, LLC (CA) & D. Pettigrew (Bridgton): Complainant was not present.. Commissioner Fredette moved, seconded by Commissioner Perry to find no reasonable grounds to believe that the Respondents, You, LLC and David Pettigrew, subjected the Complainant, Mary Smyth Stewart, to unlawful sexual harassment. 3 in favor | 0 opposed.

E08-0225: Robert Blancato (Livermore) v. Verso Paper LLC (Jay): Attorney Sonia Buck restated the position of the Complainant. Attorney Frank McGuire restated the position of the Respondent. Field Investigator Angela Tizon restated the facts of the case. Commissioner Perry moved, seconded by Commissioner Fredette to find no reasonable grounds to believe that Verso Paper LLC discriminated against Robert Blancato by failing to reasonably accommodate his disability and forcing him to take sick leave. 3 in favor | 0 opposed.

EXECUTIVE SESSION:

Commissioner Chandler moved, seconded by Commissioner Fredette to move into executive session to case PA08-0261 and PA08-0262 pursuant to 1 M.R.S.A. §405(6)(F). 3 in favor, 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Fredette, to move out of executive session. 3 in favor | 0 opposed.

Commissioner Fredette moved, seconded by Commissioner Perry to move into executive session to discuss litigation with Commission Counsel pursuant to 1 M.R.S.A. §405(6)(E). 3 in favor | 0 opposed.

Commissioner Fredette moved, seconded by Commissioner Perry, to move out of executive session. 3 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Fredette that the Commission should not file a complaint in E08-0165 A/B: Anders Benson v. Montreal, Maine & Atlantic Railway LTD, et. Al. 3 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Fredette that the Commission should not file a complaint in PA08-0212 Brianna Freeman v. Denny's Restaurant. 3 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Fredette that the Commission should not file a complaint in E08-0222: Jamie Furhman v. Staples, Inc. 3 in favor | 0 opposed.

ADJOURN:

There being no further business to come before the commission, the meetings was adjourned at 12:35 p.m.

CONSENT AGENDA:

The consent agenda is a listing of cases scheduled on the Commission's meeting agenda in which there is no written disagreement to the Investigator's recommendation. Commissioners consider these cases without oral argument by the parties.

E08-0001:	Christopher Nolan (Lebanon) v. Wal-Mart Stores East, LP (Sanford)	NRG
E08-0102:	Tena Wildes (New Gloucester) v. Gray/New Gloucester Eagles, F.O.E. 4131	NRG
E08-0122:	Clyde Pendleton (Bristol) v. Tidewater Telecom, Inc. (Nobleboro)	NRG
E08-0134:	Dwight Simes (NH) v. Silvex Surface Technology, Inc. (Westbrook)	NRG
E08-0238:	Robert Hesse (Oxford) v. North East Mobile Health Services (S. Portland)	NRG
E08-0242:	Gail Berzinis (Readfield) v. First Atlantic Corp d/b/a Hawthorne House (Freeport)	NRG
E08-0267:	Shirleyanne Ratajczak-Leaman (Waterville) v. L.L. Bean (Freeport)	NRG
E08-0333:	Dorothy Benson (Portland) v. Milestone Foundation, Inc. (Portland)	NRG
E08-0444:	David Soper (Belfast) v. Twin City Taxi, Inc. (Biddeford)	RG
E08-0465:	Mohammad Faizizada (Westbrook) v. Avis Budget Group d/b/a AB Car Rental	NRG
E08-0476:	Brittany Corliss (Stillwater) v. Coffee Couple d/b/a Tim Hortons et al (Old Town)	RG
E09-0138:	Brittany Corliss (Stillwater) v. Tim Hortons USA, Inc. (CA)	NRG
E09-0102:	Jessica Page (Old Town) v. Coffee Couple d/b/a Tim Hortons et al (Old Town)	RG
E08-0537:	David McVety (Otisfield) v. Elan School (Poland Spring)	NRG
E08-0599:	Megan Crowley (Sabattus) v. Pinetree Teleservices (Lewiston)	NRG
PA08-0618:	Laurent Rioux (Auburn) v. Wal-Mart Stores East, L.P. (AR)	NRG
E08-0642:	Randall MacDormand (Buxton) v. John Hewitt & Associates, Inc. (Portland)	NRG
E09-0078:	Michael LeRiche (Lewiston) v. Wal-Mart Stores East, L.P. (AR)	NRG
H09-0251:	Shelly Cook (Swans Island) v. Dale Staples (E. Waterboro)	NRG
H09-0255:	Chastity Johnson & o/b/o minor (Lewiston) v. PropSys (Lewiston)	NRG
H09-0256:	Chastity Johnson & o/b/o minor (Lewiston) v. Applefass Heights (Lewiston)	NRG
H09-0257:	Chastity Johnson & o/b/o minor (Lewiston) v. Maple Heights LLC (Lewiston)	NRG
H09-0426:	Stephanie Stanchfield (Augusta) v. Greentree Associates, L.P. (Augusta)	NRG
H09-0427:	Stephanie Stanchfield (Augusta) v. Kelley & Picerne, Inc (RI)	NRG
H09-0428:	Stephanie Stanchfield (Augusta) v. T. Spain (Augusta)	NRG