



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*

August 9, 2010

Commissioner Vestal called the August 9th, 2010 Commission meeting to order at 8:33 a.m. Present were Commissioners: Paul Vestal, Sallie Chandler, Joe Perry and Kenneth Fredette.

Commissioner Vestal called for adoption of the agenda.

- Executive Director Patricia Ryan requested that case E09-0155 Linda Babb v. McCain Foods USA, Inc. be tabled to the September 20th meeting at the request of the parties.
- Executive Director Patricia Ryan requested that Conciliation Agreement in E08-0661/ E08-0661A, Harris v. City of Portland/Sprague be added to the Agenda.
- Executive Director Patricia Ryan requested that the request for a new investigation in H08-0660A-C Jackman V. Schlosberg be added to the Agenda under new business.

Commissioner Chandler moved, seconded by Commissioner Perry to adopt the agenda as amended. 4 in favor | 0 opposed.

CONSENT AGENDA *(see detailed listing on page 4)*

Commissioner Chandler moved, seconded by Commissioner Perry, to accept the Investigator's recommendations in each of the cases on the Consent Agenda as amended. 4 in favor | 0 opposed.

MINUTES

Commissioner Fredette moved, seconded by Commissioner Vestal, to adopt the June 28th Commission Meeting Minutes. 2 in favor | 0 opposed | 2 Abstained (Perry & Chandler abstained)

QUARTERLY PROGRAM REVIEW

- Inventory Status Report & Resolutions: There were 654 open cases at the end of June 2010. The Commission closed 159 cases during the preceding quarter. 53 of those cases were closed providing some benefit to Complainants. The monetary amount recovered for Complainants during that time period was \$353,616.
- Training/Education: Commissioners reviewed the fourth 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.

Phone (207) 624-6050

▪ Fax (207) 624-6063

▪ TTY: 1-888-557-6690

www.maine.gov/mhrc

- Financial: Commissioners reviewed the quarterly financial report and it was placed in the file.

ADMINISTRATION

- Personnel Report: Executive Director Patricia Ryan reviewed the report dated July 29, 2010, indicating no significant staffing changes.

COMPLIANCE

- Compliance Report: Commissioners reviewed the compliance report and it was placed on file.

Commissioner Chandler moved, seconded by Commissioner Perry to accept the Conciliation Agreement in Alvin Harris Sr. v. City of Portland and Kevin Sprague. 4 in favor | 0 opposed.

Commissioner Mavourneen Thompson arrived at 8:41 AM.

INVESTIGATION

- New Charges: Commission staff opened 65 new cases in June and 55 Cases in July.
- Administrative Dismissals: Commission staff administratively dismissed 18 cases in June and 13 cases in July.
- Pre-determination Settlements: During the months of July 2010, investigators were responsible for obtaining settlements in 17 cases resulting in a total monetary relief in excess of \$163,750.

NEW BUSINESS:

Executive Director Patricia Ryan reviewed a memo requesting a new investigation in case H08-0660A-C Jackman v. Schlosberg et. al.. Commissioner Fredette moved, seconded by Commissioner Chandler to not grant a new investigation in this matter. 5 in favor.

At 8:44 AM Chair Vestal called for a 5 minute recess.

CASES VOTED ON:

E08-0595: Paula Bowden (Penobscot) v. Barbara Stearns (TN): Complainant was not present. Respondent was not present. Commissioner Fredette moved to table this case to the September agenda. There was no second. Commissioner Chandler moved, seconded by Commissioner Perry, to find no reasonable grounds to believe that Respondent, Ms. Barbara Stearns, terminated Complainant, Paula Bowden's employment because of a physical disability and need for a reasonable accommodation. 5 in favor | 0 opposed. Commissioner Chandler moved, Seconded by Commissioner Perry to find **reasonable grounds** to believe unlawful Whistleblowers' Protection Act retaliation occurred. 4 in favor | 1 abstained (Fredette abstained)

E09-0068: Janet Tripp (Livermore Falls) v. Hannaford Bros Co., Inc. (Portland): Attorney Jeffrey Neil Young restated the position of the Complainant. Attorney Timothy O'Brien restated the position of the Respondent. Investigator Michele Dion restated the facts of the case. Commissioner Fredette moved, seconded by Commissioner Perry to find no reasonable grounds to believe that the Respondent, Hannaford Brothers Inc., discriminated against Complainant, Janet Tripp, in employment because of her physical disability. 4 in favor | 1 abstained (Chandler).

E09-0077: Stephen Dostie (Clinton) v. Associated Grocers of Maine, Inc. (Gardiner). Mr. Stephen Dostie restated the position of the complainant. **Attorney John Cole** restated the position of the Respondent. Field

Investigator Angela Tizon restated the facts of the case. Commissioner Chandler moved, seconded by Commissioner Thompson to find **reasonable grounds** to believe that Associated Grocers of Maine, Inc. discriminated against Stephen Dostie on the basis of his disabilities by terminating him. 5 in favor | 0 opposed.

E09-0089: Mary Deraps (Lewiston) v. Lewiston Ops LLC d/b/a Marshwood Center (Lewiston). Complainant was not present, Respondent was not present. Commissioner Fredette moved, seconded by Commissioner Chandler to find no reasonable grounds to believe Mary Deraps, was subject to unlawful sexual harassment or retaliation (suspensions and constructively discharged) for reporting sexual harassment to her employer. 5 in favor | 0 opposed.

E09-0093: Mary Walton (Caribou) v. City of Caribou: Attorney Linda McGill restated the position of the Respondent. Attorney Matt Kegan restated the position of the Complainant. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Chandler moved, seconded by Commissioner Thompson to find **reasonable grounds** to believe that the Respondent failed to engage in good faith in an interactive process with Mary Walton to determine a reasonable accommodation for her disability. 4 in favor | 1 abstained (Fredette). Commissioner Chandler moved, seconded by Commissioner Perry to find **reasonable grounds** to believe that the respondent terminated Complainant's employment due to whistleblower retaliation. 4 in favor | 1 abstained (Fredette).

H10-0120: Avis Bushey (Old Town) v. Kathryn Hughes Associates; G. Dorsey (Bangor). Complainant was not present. Respondent was not present. Commissioner Fredette moved, seconded by Commissioner Chandler to find no reasonable grounds to believe Respondents discriminated against the Complainant on the basis of her disability by denying her a reasonable accommodation. 5 in favor | 0 opposed.

H10-0174: Abernathy Miller & Laura Miller (Bangor) v. Harlan Homes, et al (Bucksport). Attorney Patricia Ender restated the position of the Complainant. Respondent was not present. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Fredette moved, seconded by Commissioner Chandler to find no reasonable grounds to believe that the Respondents evicted the Complainants because of race or color or in retaliation for complaining about racial discrimination. 5 in favor | 0 opposed.

EXECUTIVE SESSION:

Commissioner Fredette moved, seconded by Commissioner Chandler to move into executive session at 11:17 a.m. to discuss litigation with Commission Counsel pursuant to 1 M.R.S.A. §405(6)(E). 4 in favor | 0 opposed.

Commissioner Fredette moved, seconded by Commissioner Chandler, to move out of executive session at 11:37 a.m. 4 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Fredette that the Commission **should not file** a complaint in E08-0591: Keith Ellis v. Farrin Powersports, LLC. 5 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Fredette that the Commission **should not file** a complaint in E09-0010, April Barrett v. North Oasis, Inc. and Robert Montgomery. 4 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Fredette that the Commission **should not file** a complaint in E09-0008, Brenda Taylor v. Borealis Breads. 5 in favor | 0 opposed.

ADJOURN:

There being no further business to come before the Commission, the meetings was adjourned at 11:38 a.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.

| | | |
|----------------------|--|--------|
| E09-0054: | Kristle Gross (Orland) v. H.O.M.E., Inc (Orland) | NRG |
| E09-0054-A: | Kristle Gross (Orland) v. W. Gallant (Orland) | NRG |
| E09-0061: | Jane Morrison (Millinocket) v. Wendy Lainez d/b/a The Burr Home (Brewer) | NRG |
| E09-0080: | Frank Terroni (Limington) v. Trico Millwork, Inc. (Limington) | NRG |
| E09-0081: | Henriquez Polycarpe (FL) v. Ricker Hill Orchards, Inc. (Turner) | RG |
| E09-0082: | Jean Renelus (FL) v. Ricker Hill Orchards, Inc. (Turner) | RG |
| E09-0083: | Daverne St. Jean (FL) v. Ricker Hill Orchards, Inc. (Turner) | RG |
| E09-0084: | Carmy Sylvain (FL) v. Ricker Hill Orchards, Inc. (Turner) | RG |
| E09-0087: | Scott Daniels Buxton) v. Phil’s Foreign Auto (S Portland) | NRG |
| E09-0109: | Ryan Goldammer (Kennebunk) v. Cabela’s Wholesale, Inc. (Scarborough) | NRG |
| E09-0121: | Katherine Kelley (Gardiner) v. Correctional Medical Services (MO) | NRG |
| E09-0186: | David Francis (Hermon) v. Village Car Co d/b/a Quirk Chevrolet (Bangor) | NRG |
| PA/ED09-0244/0244-A: | Parents of Minor o/b/o Minor (Readfield) v. Maranacook Area Schools / RSU 38 (Readfield) | NRG |
| E09-0151: | Greggory Frost (Garland) v. Lowe’s Home Centers, Inc. (NC) | NRG |
| E09-0275: | Mea Tavares (Portland) v. Northeast Airmotive, Inc. (Portland) | NRG |
| E09-0276: | Mea Tavares (Portland) v. AirTran Airways (FL) | NRG |
| PA09-0359: | Halimo Azair (S Portland) v. Cumberland County (Portland) | RG/NRG |
| E09-0385: | Michael Larson (Houlton) v. Coffee Couple d/b/a Tim Hortons (Houlton) | RG |
| E09-0422: | Roger Beaudoin (Biddeford) v. Biddeford Savings Bank (Biddeford) | NRG |
| E09-0443: | Carol Aft (Old Orchard Beach) v. State of Maine/DHHS/Riverview (Augusta) | NRG |