



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

November 1, 2010

Commissioner Vestal called the November 1st, 2010 Commission meeting to order at 8:30 a.m. Present were Commissioners: Paul Vestal, Sallie Chandler, Joe Perry, and A. Mavourneen Thompson

Commissioner Vestal called for adoption of the agenda.

- Executive Director Patricia Ryan requested that the conciliation agreement in case PA09-0280 Tarr v. J & M Camper Sales & Service be added to the agenda.
- Executive Director Patricia Ryan requested that case E09-0242 James Tracy (Newport) v. Home Living, LLC (Hampden) be tabled at the request of the parties.
- Executive Director Patricia Ryan requested that case H10-0226 Mark Hibbert (NJ) v. Better Homes & Gardens R.E./Masiello Group et al (York) be moved to the first case on the Agenda.

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. 4 in favor | 0 opposed.

MINUTES

Commissioner Chandler moved, seconded by Commissioner Perry to adopt the September 20th Commission Meeting Minutes. 4 in favor | 0 opposed

At 8:35 Commissioner Fredette arrived at the meeting.

QUARTERLY PROGRAM REVIEW

- Inventory Status Report & Resolutions: There were 701 open cases at the end of September 2010. The Commission closed 163 cases during the preceding quarter. 31 of those cases were closed providing some benefit to Complainants. The monetary amount recovered for Complainants during that time period was \$274,899.
- Training/Education: Commissioners reviewed the 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.

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- 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 October 26th, 2010 noting no significant personnel 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 PA09-0280 Tarr v. J & M Camper Sales & Service. 5 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Fredette to dismiss E08-0656 Burpee v. Town of Sanford as the case has been resolved by the parties. 5 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Fredette to dismiss E08-0264 Morrison v. Worldwide Communications as the case has been resolved by the parties. 5 in favor | 0 opposed.

INVESTIGATION

- New Charges: Commission staff opened 58 new cases in September.
- Administrative Dismissals: Commission staff administratively dismissed 7 cases September.
- Pre-determination Settlements: During the month August staff was responsible for obtaining settlements in 22 cases resulting in a total monetary relief in excess of \$ 132,750. for complainants.

NEW BUSINESS:

At 8:36 AM Chair Vestal called for a 10 minute recess.

CASES VOTED ON:

H10-0226: Mark Hibbert (NJ) v. Better Homes & Gardens R.E./Masiello Group et al (York): Mark Hibbert restated the position of the Complainant. Donna Dubois Miller and Jim Fleming, General Counsel for Masiello Group restated the position of the respondent. 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 Respondent, Better Homes and Gardens Real Estate / The Masiello Group and Donna Dubois-Miller, discriminated against the Complainant, Mark E. Hibbert, on the basis of disability by denying him a qualified interpreter. 5 in favor | 0 opposed.

E09-0108: Kimberly Morin (Portland) v. IDBI, Inc. d/b/a Aucocisco School (Cape Elizabeth). Attorney John Rizzo restated the position of the Complainant. Attorney Elizabeth Stouder restated the position of the Respondent. Investigator Angela Tizon restated the facts of the case. Commissioner Fredette moved, seconded by Commissioner Chandler to find no reasonable grounds to believe that IDBI, Inc. d/b/a Aucocisio School terminated Kimberly Morin because of disability. 5 in favor | 0 opposed.

09-0245: Owen Sullivan (Southbury) v. MSEA-SEIU Local 1989 (Augusta). Complainant was not present. Commissioner Fredette moved, seconded by Commissioner Chandler to find no reasonable grounds to believe that MSEA-SIEU Local 1989 discriminated against Owen Sullivan by terminating

him on the basis of age or in retaliation for participating in activity protected under the Whistleblower's Protection Act. 5 in favor | 0 opposed.

At 10:20 Commissioner Vestal called for a 10 minute break.

E09-0271: Franca Gagliano-McFarland (Augusta) v. Giri, LLC d/b/a Holiday Inn (Augusta). Attorney Kristin Aiello restated the position of the Complainant. Attorney Sally Morris restated the position of the Respondent. Investigator Michele Dion restated the facts of the case. Commissioner Fredette moved, seconded by Commissioner Perry to find **reasonable grounds** to believe that the Respondent, Giri Community Drive, LLC. Engaged in Unlawful employment discrimination (termination) against Complainant, Franca Helena Gagliano-McFarland, because of her disability and her pregnancy. 5 in favor | 0 opposed.

E09-0305: Vincent Murray (Union) v. Housing for Maine, Inc. (Camden). Vincent Murray restated the position of the Complainant. Attorney Michael Messerschmidt restated the position of the Respondent. Investigator Michele Dion restated the facts of the case. Commissioner Fredette moved, seconded by Commissioner Chandler to find **reasonable grounds** to believe that the Respondent, Housing for Maine, Inc., discriminated against Complainant, Vincent Murray, in employment because of physical disability. 5 in favor | 0 opposed.

E09-0335: Diane Coombs (Gray) v. Drummond & Drummond, LLP (Portland): Diane Coombs restated the position of the Complainant. Attorney Phil Mancini restated the position of the Respondent. Investigator Michele Dion restated the facts of the case. Commissioner Perry moved, seconded by Commissioner Chandler to find **reasonable grounds** to believe that the Respondent, Drummond & Drummond, LLP., terminated Complainant, Diane Coombs' employment because of her disability. 4 in favor | 1 opposed. (Fredette opposed)

E09-0354: Philip St. Pierre (Hartford) v. Elmet Technologies, Inc. (Lewiston). Attorney Jeffrey Neil Young restated the position of the Complainant. Attorney Geoffrey Cummings restated the position of the Respondent. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Fredette moved, seconded by Commissioner Chandler to find **reasonable grounds** to believe that the Respondent, Elmet Technologies, Inc., laid off Complainant, Phillip St. Pierre, because of disability. 5 in favor | 0 opposed. Commissioner Fredette moved, seconded by Commissioner Chandler to find no reasonable grounds to believe that the Respondent, Elmet Technologies, Inc., made an unlawful medical inquiry or examination of Complainant, Philip St. Pierre. 5 in favor | 0 opposed.

H10-0314: Laureene McQuade (Kittery) v. Woodland-Kittery LP (Portland). Complainant was not present. Commissioner Fredette moved, seconded by Commissioner Chandler to find no reasonable grounds to believe that the Respondents, Woodland-Kittery LP d/b/a Woodland Commons and Janet Grabowski, denied Complainant, Laureene McQuade, any reasonable accommodations or evicted her because of disability discrimination or retaliation. 5 in favor | 0 opposed.

EXECUTIVE SESSION:

Commissioner Chandler moved, seconded by Commissioner Perry to move into executive session at 11:41 p.m. to discuss litigation with Commission Counsel pursuant to 1 M.R.S.A. §405(6)(E). 5 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Fredette, to move out of executive session at 11:54 a.m. 5 in favor | 0 opposed.

Commissioner Fredette moved, seconded by Commissioner Chandler that the Commission **should file** a complaint to enforce Hamilton's obligation to pay the third installment under the Conciliation Agreement entered into by the parties in E07-0123, Ernest Ortiz v. Randall J. Hamilton as stated in the October 25, 2010 Litigation Memo. 5 in favor | 0 opposed.

Commissioner Fredette moved, seconded by Commissioner Chandler that the Commission **should not file** a complaint in E09-0024/0025: Guillermo Blanco v. Bath Iron Works and General Dynamics as stated in the Litigation Memo dated October 25, 2010. 5 in favor | 0 opposed.

Commissioner Fredette moved, seconded by Commissioner Chandler that the Commission **should not file** a complaint in E09-0093 Mary A. Walton v. City of Caribou as stated in the Litigation Memo dated October 25, 2010. 5 in favor | 0 opposed.

Commissioner Fredette moved, seconded by Commissioner Chandler that the Commission **should not file** a complaint in E09-0204/0204A, Lori Daigle v. Community Pharmacies LP and Paul Carrado Sr. as stated in the Litigation Memo dated October 25, 2010. 5 in favor | 0 opposed.

Commissioner Fredette moved, seconded by Commissioner Chandler that the Commission **should not file** a complaint in E09-0351 Randy Brown v. Crystal Spring Water Co, Inc., as stated in the Litigation Memo dated October 25, 2010. 5 in favor | 0 opposed.

Commissioner Fredette moved, seconded by Commissioner Chandler that the Commission **should not file** a complaint in E09-0124, Jennifer White v. Birchwood Child Care as stated in the Litigation Memo dated October 25, 2010. 5 in favor | 0 opposed.

Commissioner Fredette moved, seconded by Commissioner Chandler that the Commission **should not file** a complaint in PA09-0359, Azair v. Cumberland County as stated in the litigation Memo dated October 26, 2010. 5 in favor / 0 opposed.

ADJOURN:

There being no further business to come before the Commission, the meetings was adjourned at 11:58 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.

E09-0203: McDonald Johnson (Portland) v. Youth Alternatives Ingraham (S Portland)	NRG
E09-0211: Colleen Huntington (Gardiner) v. Crisis & Counseling Centers, Inc. (Augusta)	RG
PA09-0215: Scott Gagnon (Warren) v. State of Maine/Maine State Prison (Warren)	NRG
E09-0296: Patrick Michaud (E. Baldwin) v. Central City Sheet Metal, Inc. (Gorham)	RG
E09-0584: Tamara Cushing (Brewer) v. Lifetouch Portrait Studios (Bangor)	NRG
E10-0010: Douglas Mills (Sidney) v. Concord Coach Lines, Inc. (NH)	NRG
H10-0070: Nicole Wallace et al, and o/b/o minor (Union) v. P & J Cosgrove (Union)	NRG
H10-0175: Gloria Juarez, Abel Frausto and o/b/o minor (Biddeford) v. Kale Rentals (Saco)	NRG
H10-0237: Allison Lane (Augusta) v. Sidney Geller Trust (Waterville)	NRG
H10-0238: Allison Lane (Augusta) v. Asset Real Estate Mgt & M. Lee (Augusta)	
H10-0301: Mark Hibbert & Jessica Hibbert (NJ) v. Pine Tree Mobile Estates (Standish)	NRG
H10-0310: Mechelle Gauthier and Brian Lagasse (Sabattus) v. F. Chick (Industry)	NRG