



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

December 13, 2010

Commissioner Vestal called the December 13th, 2010 Commission meeting to order at 8:30 a.m. Present were Commissioners: Paul Vestal, Sallie Chandler, and Joe Perry.

Commissioner Vestal called for adoption of the agenda.

- Executive Director Patricia Ryan requested that case PA09-0613: *Emma Verrill v. Bresca, LLC* be tabled at the request of the parties.
- Executive Director Patricia Ryan requested that case H10-0221/0222/0223: *David Daniel v. Avesta Housing et al.* be tabled at the request of the parties.
- Executive Director Patricia Ryan requested that case E09-0281: *Theda Rusch-Ball v. The Aroostook Medical Center* be tabled at the request of the parties.
- Executive Director Patricia Ryan requested approval to allow withdrawal of E09-0146, *Astrid Redmond v. The Crisis & Counseling Centers, Inc.* and remove it from the Consent Agenda at the request of the parties.
- Executive Director Patricia Ryan requested approval to allow withdrawal of E09-0414, *Maria Ouellette v. Town of Brunswick* and remove it from the Consent Agenda at the request of the parties.
- Executive Director Patricia Ryan requested that the conciliation agreement in case E09-0243: *Brannon v. Community Partners* be added to the agenda.
- Executive Director Patricia Ryan requested that the conciliation agreement in case E09-0305: *Murray v. Housing for Maine* be added to the agenda.
- Executive Director Patricia Ryan noted the request for issuance of a Right to Sue letter in case PA10-0102: *Lovejoy v. Tri-County Mental Health Services*, and noted her recommendation that because an investigator's report had been issued, and respondent objected, that the Commission not approve the issuance of a right to sue letter, but consider the case on its merits. Commissioner Chandler, moved, seconded by Commissioner Perry, not to approve issuance of a right to sue letter. 3 in favor / 0 opposed.

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

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

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

MINUTES

Commissioner Chandler moved, seconded by Commissioner Perry to adopt the November 1st, 2010 Commission Meeting Minutes. 3 in favor | 0 opposed.

ADMINISTRATION

Personnel Report: Executive Director Patricia Ryan reviewed the report dated December 7th, 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 E09-0305 *Vincent Murray v. Housing for Maine*. 3 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Perry to accept the Conciliation Agreement in E09-0243: *Joyce Brannen v. Community Partners, Inc.* 3 in favor | 0 opposed.

INVESTIGATION

- New Charges: Commission staff opened 47 new cases in October and 53 new cases in November.
- Administrative Dismissals: Commission staff administratively dismissed 37 cases in October and 16 cases in November.
- Pre-determination Settlements: During the month August staff was responsible for obtaining settlements in 8 cases resulting in a total monetary relief in excess of \$93,000 for complainants.

LIGATION:

Commission Counsel John Gause reviewed two legislative proposals being considered for submittal to the 125th Legislature. The first bill is designed to align the Maine Human Rights Act accessibility standards with current ADA Access Board ADA and ABA Accessibility Guidelines. A second bill would propose changes to the Maine Human Rights Act as a result of concerns raised by HUD during the recent substantial equivalency evaluation of the Maine Human Rights Act. Commission Counsel Gause will provide drafts of both proposed bills to Commissioners prior to the next Commission meeting, where Commissioners will review them, and any other pieces of proposed legislation known by that time.

NEW BUSINESS:

Jamie Bissonette Lewey, Chair of the Maine Indian Tribal State Commission presented information regarding the use of offensive Indian mascot names at schools. Chair Lewey asked the Commission to

consider co-sponsoring legislation with MITSC. Executive Director Patricia Ryan asked Ms. Lewey to submit a draft proposal to the Commission for their consideration at their next scheduled meeting, January 24th.

At 8:51 AM Chair Vestal called for a 10 minute recess.

CASES VOTED ON:

E09-0070: Michael Towsley (Hancock) v. Capital Pizza Huts, Inc. (Ellsworth): Complainant was not present. Commissioner Chandler moved, seconded by Commissioner Perry to find no reasonable grounds to believe that the Complainant was unlawfully discriminated against in employment because of his physical disability and/or his sexual orientation. 3 in favor | 0 opposed.

E09-0304: Laura Thomas Calderwood (Dixmont) v. Lohmann Animal Health Int'l, Inc. (Winslow): Attorney Edward Gould restated the position of the Complainant. Attorney William Lee restated the position of the Respondent. Field Investigator Robert Beauchesne restated the facts of the case. Commissioner Perry moved, seconded by Commissioner Chandler to find no reasonable grounds to believe that the Complainant was subjected to unlawful discrimination (failure to accommodate, termination) in employment due to her physical disability. 3 in favor | 0 opposed.

E09-0306: Katie Dorian (Milford) v. American Red Cross Blood Services, Northern New England Division (Bangor): Attorney Chad Hansen restated the position of the Complainant. Attorney Jeffrey Wermuth restated the position of the Respondent. Field Investigator Robert Beauchesne restated the facts of the case. Commissioner Chandler moved, seconded by Commissioner Perry to find **reasonable grounds** to believe unlawful employment discrimination by refusing to hire the Complainant because of her sex (pregnancy). 3 in favor | 0 opposed.

PA10-0102: Craig Lovejoy (Lewiston) v. Tri-County Mental Health Services, Inc. (Lewiston): Complainant was not present. Commissioner Perry moved, seconded by Commissioner Chandler to find no reasonable grounds to believe that the Respondent, Tri-County Mental Health Services, denied mental health services to Complainant, Craig N. Lovejoy. 3 in favor | 0 opposed.

H10-0383: Amy Perkins, Vincent Kean & o/b/o minor children (Biddeford) v. Frenchette Properties, LLC, Michael Frechette, and Yris Frechette (Saco): Attorney Patricia Ender restated the position of the Complainant. Respondent was not present. Field Investigator Angela Tizon restated the facts of the case. Commissioner Perry moved, seconded by Commissioner Vestal to find no reasonable grounds to believe that Frechette Properties, LLC, Michael Frechette and Yris Frechette discriminated against Amy Perkins, Vincent Kean and their minor children on the basis of familial status and receipt of public assistance by refusing to rent them an apartment. 2 in favor | 1 opposed (Chandler opposed)

EXECUTIVE SESSION:

Commissioner Chandler moved, seconded by Commissioner Perry to move into executive session at 10:15 p.m. to discuss litigation with Commission Counsel pursuant to 1 M.R.S.A. §405(6)(E). 3 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Perry, to move out of executive session at 10:20 a.m. 3 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Perry that the Commission **should not file** a complaint in E09-0271: Gagliano-McFarland v. GIRI Community Drive, LLC. 3 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Perry that the Commission **should not file** a complaint in E09-0296: Michaud v. Central City Sheet Metal. 3 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Perry that the Commission approve the Settlement Agreement in E07-0524 / CV09-447: Tammy Chaput v. Roof Specialists Inc., James McKeage and Co. Inc.; and James R. McKeague. 3 in favor | 0 opposed.

ADJOURN:

There being no further business to come before the Commission, the meetings was adjourned at 10:30 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.

- E09-0242: James Tracy (Newport) v. Home Living, LLC (Hampden).....RG
- E09-0249: Peter McDermott II (Old Town) v. Northcountry Management, Inc. d/b/a
Burger King (Bangor).....NRG
- E09-0289: Joshua Bunnell (Steuben) v. Metal Magic (Ellsworth).....NRG
- E09-0342, 0343: Angel Eggen (Portland) v. Beacon Hospice, Inc. (South Portland) &
Pine Point Center (Scarborough).....NRG
- E09-0360: Lauri Driscoll (FL) v. St. Mary’s Regional Medical Center (Lewiston)NRG
- E09-0364: Kevin Brown (Portland) v. Sebago Brewing Company (Gorham).....NRG
- E09-0484: Susan Putlock (Portsmouth, NH) v. Idexx Laboratories, Inc. (Westbrook)NRG
- E09-0598: James Mackey (Biddeford) v. Michael A. Lux d/b/a Lux Painting & Paper
(Arundel).....RG
- H10-0229, 0230, 0231: Aaron Pierce, Liegh-Ann Binkley, and Charles Binkley (New
Gloucester) v. T. Michael Brady & Joyce Brady (Pownal).....NRG
- H10-0311, 0312, 0313: Paula Carpentier (Waterville), Paul Carpentier (Winslow), and o/b/o
minor children v. Jamie Charity, William Charity & Kyle Farrar (Winslow).....NRG
- H10-0464, 0465: Doris Streeter (Bridgton) v. Avesta Housing Management Corp & Bridgton
Elderly Housing Association (Portland)NRG