



Maine Human Rights Commission

51 State House Station - Augusta, ME 04333

Patricia E. Ryan
Executive Director

John P. Gause
Commission Counsel

COMMISSION MEETING MINUTES

19 Union Street ~ Augusta, Maine

May 16, 2011

Commissioner Vestal called the May 16th, 2011 Commission meeting to order at 8:29 a.m. Present were Commissioners: Paul Vestal, Sallie Chandler, Joe Perry and A. Mavourneen Thompson.

Commissioner Vestal called for adoption of the agenda.

- Commission Counsel John Gause requested that the Conciliation agreement in H11-0121: McIntire v. Pinkham be added to the Agenda.
- Commission Counsel John Gause requested that the Conciliation agreement in E09-0389: Myles v. Interim Health be added to the Agenda.
- Commission Counsel John Gause requested that the Conciliation agreement in H09-0306: Katie Dorian v. American Red Cross be added to the Agenda.
- Commission Counsel John Gause requested that case PA10-0316: David Brown (Poland) v. Town of Oxford be tabled to the June Commission Meeting because of lack of interpreter.
- Commission Counsel John Gause requested that case PA10-0317: David Brown (Poland) v. Oxford County Sheriff's Department (Oxford) be tabled to the June Commission Meeting because of lack of interpreter.

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 5*)

Commissioner Chandler moved, seconded by Commissioner Thompson, 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 Thompson to adopt the April 11th Commission Meeting Minutes. 4 in favor | 0 opposed

ADMINISTRATION

Personnel Report: Commission Counsel John Gause reviewed the report dated May 10, 2011 noting no significant personnel changes. The June Commission Meeting will be Executive Director Patricia Ryan's last meeting.

COMPLIANCE

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

Commissioner Chandler moved, seconded by Commissioner Thompson to accept the Conciliation Agreement in H11:0121 McIntire v. Pinkham. 4 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Perry to accept the Conciliation Agreement in E09-0389: Myles v. Interim Health as the case has been resolved by the parties. 4 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Thompson to accept the Conciliation Agreement in H09-0306: Katie Dorian v. American Red Cross as the case has been resolved by the parties. 4 in favor | 0 opposed.

INVESTIGATION

- New Charges: Commission staff opened 46 new cases in April.
- Administrative Dismissals: Commission staff dismissed 17 cases in April.
- Pre-determination Settlements: During the month April, staff were responsible for obtaining settlements in 24 cases resulting in total monetary relief in excess of \$213,800 for complainants.

LITIGATION: Moved to Executive Session.

NEW BUSINESS:

Commission Counsel John Gause provided a review of a Legislative Update Memo dated May 16, 2011. At 8:41 AM Chair Vestal called for a 10 minute recess.

CASES VOTED ON:

PA09-0473: John Grondin (Rockland) v. L.L.Bean, Inc. (Freeport): Complaint was not present. Respondent was not present. Commissioner Chandler moved, seconded by Commissioner Thompson to find no reasonable grounds to believe that the Respondent, L. L. Bean, Inc, failed to provide Complainant, John M. Grondin, with effective communication. 4 in favor | 0 opposed.

E09-0508: Frank Roberts (Dedham) v. Takeda Pharmaceuticals North America (IL) / E09-0508-A: Frank Roberts (Dedham) v. Paul Doane: Frank Roberts restated the position of the Complainant. Respondent was not present. Field Investigator Robert Beauchesne restated the facts of the case. Commissioner Perry moved, seconded by Commissioner Thompson, to find no reasonable grounds to believe that the Complainant, Frank J. Roberts, Jr., was subjected to unlawful discrimination in employment (terms and conditions, reasonable accommodation), or unlawfully terminated by the Respondents, Takeda Pharmaceuticals and Paul Doane, due to his disability. 4 in favor | 0 opposed.

E09-0524: Joseph Bizimana (Old Orchard Beach) v. Support Solutions (Lewiston): Complainant was not present. Respondent was not present. Commissioner Chandler moved, seconded by Commissioner Perry to find no reasonable grounds to believe that the Respondent, Support Solutions, Inc. discriminated against Mr. Joseph Bizimana based upon race, color, and religion. 4 in favor | 0 opposed.

PA10-0066: Laura Creedon (MA) v. Marguerite Marston d/b/a Pegalegpete's Leather Shop (Bridgton). Respondent was not present. Commissioner Thompson moved, seconded by Commissioner Perry to find **reasonable grounds** to believe that the Complainant, o/b/o her minor child, was subjected to unlawful disability discrimination in access to public accommodations by the Respondent, Marguerite Marston d/b/a Pagalegpete's Leather Shop. 4 in favor | 0 opposed.

E10-0084: Heather Hider (Portland) v. Total Property Services, Inc. (Portland). Attorney Chad Hansen restated the position of the Complainant. Marcy Booth restated the position of the Respondent. Commissioner Thompson moved, seconded by Commissioner Chandler to find **reasonable grounds** to believe that the Respondent, Total Property Services, Inc., terminated Complainant, Heather Hider's employment on the basis of her sex. 4 in favor. | 0 opposed.

H10-0224: Darrell Marin & Harold Damon (Sanford) v. R. Gariepy, Sr., A. Gariepy & R. Gariepy, Jr. (Wells): Complainant was not present. Attorney Aubrey Russell restated the position of the Respondent. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Thompson moved, seconded by Commissioner Chandler to find **reasonable grounds** to believe that the Respondents, Robert Gariepy, Sr., Anna Gariepy, and Robert Gariepy, Jr., engaged in unlawful housing discrimination against Complainants, Darrell Marin and Harold Damon, because of their sexual orientation. 4 in favor | 0 opposed.

ED/PA10-0305: Indiana Faithfull (CT) v. Maine Principals' Association (Augusta): Attorney Richard O'Meara restated the position of the Complainant. Attorney Katy Rand restated the position of the Respondent. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Thompson moved, seconded by Commissioner Perry, to find no reasonable grounds to believe that the Respondent, Maine Principals' Association, is discriminating against the Complainant, Indiana Faithfull, on the basis of national origin. 2 in favor | 2 opposed (Vestal and Chandler opposed). Motion failed. Commissioner Vestal moved, seconded by Commissioner Chandler, to find reasonable grounds to believe that the Respondent, Maine Principals' Association, is discriminating against the Complainant, Indiana Faithfull, on the basis of national origin. 2 in favor | 2 opposed (Perry and Thompson opposed). Motion failed. Reasonable grounds were not found. Commissioner Chandler moved, seconded by Commissioner Vestal, to find reasonable grounds to believe that the Respondent, Maine Principals' Association, is retaliating against Complainant, Indiana Faithfull, for exercising his rights under the Act. 2 in favor | 2 opposed (Perry and Thompson opposed). Motion failed. Reasonable grounds were not found.

E10-0461: Lisa Cote (Livermore Falls) v. Call In Direct (Auburn): Complainant was not present. Respondent was not present. Commissioner Chandler moved, seconded by Commissioner Perry to find **reasonable grounds** to believe that the Respondents, Call In Direct, L. L. C. subjected Complainant, Lisa R. Cote to a hostile work environment because of her sex (female). 4 in favor | 0 opposed.

H10-0590: Rosalie Collins Galarneau (Glenburn) v. Bangor Housing Authority & E. Coffin / H10-0591: Rosalie Collins Galarneau (Glenburn) v. Phillippe Trottier (Bangor): Attorney Patricia Ender restated the position of the Complainant. Attorney James Nixon restated the position of the Respondent. Chief Investigator Barbara Lelli restated the facts of the Case. Commissioner Thompson moved to find reasonable grounds to believe that the Respondents, Bangor Housing Authority, Elise Coffey, and Phillippe Trottier, discriminated in the terms and conditions of rental housing against Complainant, Rosalie Collins Galarneau, on the basis of sex or disability. Motion was not seconded. Motion failed.

Commissioner Perry moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that the Respondents, Bangor Housing Authority, Elise Coffey, or Phillippe Trottier, discriminated in the terms and conditions of rental housing against Complainant, Rosalie Collins Galarneau, on the basis of sex or disability. 3 in favor. | 1 opposed (Thompson opposed).

H11-0003: Gary Manuel (Bangor) v. Ed Scott (Bangor): Complainant was not present. Respondent was not present. Commissioner Chandler moved, seconded by Commissioner Perry, to find no reasonable grounds to believe that the Respondent, Ed Scott, refused to rent to Complainant, Gary Manuel, because of his race, color, disability, familial status, or receipt of public assistance. 4 in favor | 0 opposed.

H11-0004: Gary Manuel (Bangor) v. Marsh Property Management LLC & K. Marsh (Bangor). Complainant was not present. Respondent was not present. Commissioner Chandler moved, seconded by Commissioner Perry, to find no reasonable grounds to believe that the Respondents, Marsh Property Management, Inc. and Kurtis Marsh, refused to rent to Complainant, Gary Manuel, because of his race, color, disability, familial status, or receipt of public assistance. 4 in favor | 0 opposed.

EXECUTIVE SESSION:

Commissioner Chandler moved, seconded by Commissioner Thompson to move into executive session at 11:07 a.m. to discuss litigation with Commission Counsel pursuant to 1 M.R.S.A. §405(6)(E). 4 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Perry, to move out of executive session at 11:18 a.m. 4 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Perry that the Commission **should not file** a complaint in E09-0492: Maria Feoktistova v. Artstock, Inc. 4 in favor | 0 opposed.

ADJOURN:

There being no further business to come before the Commission, the meeting was adjourned at 12:30 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.

E09-0450:	Shannon Wakefield (Unity) v. Sunset Home of Waterville (Waterville)	NRG
E09-0475:	Sherri Flaherty (Auburn) v. Zapizza Market & Eatery (Auburn)	NRG
E09-0491:	Clarence Jewell (Bangor) v. CED d/b/a Gilman Electric Supply (Bangor)	NRG
E10-0284:	Mariano Mawein (Portland) v. IDEXX Laboratories, Inc. (Westbrook)	NRG
E10-0321:	Adela Blethen (Hallowell) v. MaineGeneral Health (Waterville)	NRG
E10-0462:	Bruce Tibbetts (Windsor) v. Coastal Blueberry Service (Union)	NRG
E10-0500:	Thomas Caruso (Scarborough) v. Penske Truck Leasing Co., LP (PA)	RG
H11-0081:	James Parham (Portland) v. Avesta Housing (Portland)	NRG