



# Maine Human Rights Commission

# 51 State House Station, Augusta, ME 04333-0051

*Physical location: 19 Union Street, Augusta, ME 04330*

Phone (207) 624-6290 ▪ Fax (207) 624-8729 ▪ TTY: Maine Relay 711

[www.maine.gov/mhrc](http://www.maine.gov/mhrc)

**Amy M. Sneirson**  
EXECUTIVE DIRECTOR

**John P. Gause**  
COMMISSION COUNSEL

## COMMISSION MEETING MINUTES

*19 Union Street ~ Augusta, Maine*

**September 24, 2012**

Commissioner Vestal called the September 24<sup>th</sup> Commission meeting to order at 8:34 a.m. Present were Commissioners Paul Vestal, Sallie Chandler and Arnold Clark.

Commissioner Vestal called for adoption of the agenda.

- Executive Director Amy Sneirson requested that case E10-0638: Glenn Mercier (Sidney) v. Elder Housing Development & Operations Corporation (Ft. Lauderdale, FL) be tabled to the November 5<sup>th</sup> Commission Meeting.
- Executive Director Amy Sneirson requested that case E11-0720: Norma Millard (Presque Isle) v. Maine School Administrative District No 1 (Presque Isle) be tabled to the November 5<sup>th</sup> Commission Meeting.
- Executive Director Amy Sneirson requested that case ED/PA11-0333: Corey Shaw (Gainesville, FL.) v. Bridgton Academy (North Bridgton) be tabled to the November 5<sup>th</sup> Commission Meeting.
- Executive Director Amy Sneirson requested that case E11-0637: Toni Smith (Skowhegan) v. Beacon Hospice, Inc. a subsidiary of Amedisys (Boston, MA) be removed from the Agenda.
- Executive Director Amy Sneirson requested that Commissioners deny the request for a right-to-sue letter in case E11-0743 Morison v. Hannaford Bros. Commissioner Chandler moved, seconded by Commissioner Clark, to deny the request for a right-to-sue letter. 3 in favor | 0 opposed.
- Executive Director Amy Sneirson requested that Commissioners deny the request for a right-to-sue letter in case E12-0142, Caouette v. New Balance Athletic Shoe. Commissioner Chandler moved, seconded by Commissioner Clark, to deny the request for a right-to-sue letter. 3 in favor | 0 opposed.

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

**CONSENT AGENDA** (see detailed listing on page 5)

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

### MINUTES:

Commissioner Clark moved, seconded by Commissioner Chandler, to adopt the August 20, 2012 Commission Meeting Minutes. 3 in favor | 0 opposed.

## **ADMINISTRATION:**

Personnel Report: Executive Director Amy Sneirson reported that there were no significant personnel changes at the Commission since the August 20, 2012 meeting.

Compliance Report: Commissioners reviewed the compliance report and it was placed on file. Commissioner Chandler moved, seconded by Commissioner Clark, to approve the Conciliation Agreement and dismiss case E10-0443, Morehouse v. Berg Sportswear. 3 in favor | 0 opposed.

At approximately 8:38 a.m. Commissioners Mavourneen Thompson and Deborah Whitworth arrived at the meeting.

Commissioner Chandler moved, seconded by Commissioner Whitworth, to approve Complainant's withdrawal request and dismiss PA10-0205, Murphy v. York Hospital. 4 in favor | 0 opposed | 1 Abstained (Clark)

## **INVESTIGATION:**

New Charges: Commission staff opened 50 new cases in August.

Administrative Dismissals: Commission staff dismissed 18 cases in August.

Pre-determination Settlements: During the month April, staff was responsible for obtaining settlements in 11 cases resulting in total monetary relief in excess of \$36,770 for complainants.

## **NEW BUSINESS:**

Executive Director Amy Sneirson presented the 2012-2013 Regulatory Agenda to the Commissioners. The schedule was accepted with no objections.

**LITIGATION:** Moved to after Executive Session.

At 8:40 AM Commissioner Vestal called for a 7 minute recess.

## **CASES VOTED ON:**

PA10-0521: Sue Ann Draper (Freeport) v. State of Maine, Department of Health & Human Services (Augusta). Attorney Beth Gallie restated the position of the Complainant. Assistant Attorney General Kelly Turner restated the position of the Respondent. Investigator Angela Tizon restated the facts of the case. Commissioner Thompson moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that State of Maine, Department of Health and Human Services, discriminated against Sue Ann Draper on the basis of disability by denying her the full and equal benefits of the public accommodation. 5 in favor | 0 opposed.

E10-0490: Vicki Dill (Gardiner) v. Town of West Gardiner (West Gardiner). Attorney Jonathan Brogan restated the position of the Respondent. Attorney Elly Burnett restated the position of the Complainant. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find **reasonable grounds** to believe that Respondent Town of West Gardiner subjected Complainant Vicki L. Dill to different terms and conditions of employment because of her sex. 5 in favor | 0 opposed. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find **reasonable grounds** to believe that Respondent Town of West Gardiner retaliated in employment against Complainant Vicki L. Dill for complaining about discrimination. 5 in favor | 0 opposed.

E10-0517: Kenneth Harrison (Bridgton) v. Heathrow Corporation d/b/a Food City (Bridgton). Kenneth Harrison restated the position of the Complainant. Attorney Robyn March restated the position of the Respondent. Investigator Angela Tizon restated the facts of the case. Commissioner Chandler moved, seconded by Commissioner Thompson, to find no reasonable grounds to believe that Heathrow Corporation d/b/a Food City discriminated against Complainant Kenneth Harrison on the basis of race/color by subjecting him to less favorable terms and conditions of employment and by terminating him. 5 in favor | 0 opposed.

E10-0580: Donald Crump-Karst (Bangor) v. Husson University (Bangor). Attorney Jennifer Bryant restated the position of the Complainant. Attorney Frank McGuire restated the position of the Respondent. Investigator Michele Dion restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Clark, to find no reasonable grounds to believe that Respondent Husson University discriminated against Complainant Donald Crump-Karst in employment because of race, color, sexual orientation or retaliation. 4 in favor | 1 opposed. (Thompson opposed).

At 10:18 Commissioner Vestal called for a 10 minute recess.

E10-0618: Timothy Lynch (Lewiston) v. Western Express, Inc. (Nashville, TN). Attorney Elizabeth Stouder restated the position of the Respondent. Attorney Chad Hanson restated the position of the Complainant. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Thompson, to find no reasonable grounds to believe that Respondent Western Express, Inc. conducted an unlawful medical examination and withdrew a job offer from Complainant Timothy Lynch on the basis of mental disability. 3 in favor | 2 opposed. (Clark and Chandler opposed).

E11-0014: Traciann Moscinski (Buxton) v. Saco Auto Holdings-HN, LLCd/b/a Prime Honda Saco (Saco). Attorney Ray Pallas restated the position of the Complainant. Attorney Mark Dunlap restated the position of the Respondent. Investigator Michele Dion restated the facts of the case. Commissioner Whitworth moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Respondent Prime discriminated against Complainant Traciann Moscinski in employment based on her sex or in retaliation for complaining about sexual harassment. 5 in favor | 0 opposed.

E11-0259: Abdulaziz Omar (Lisbon) v. Wal-Mart Stores East, LP (Lewiston). Attorney Steven Sucey restated the position of the complainant. Attorney Steven Melnick restated the position of the Respondent. Chief Investigator Barbara Lelli restated the facts of the case. Commissioner Chandler moved, seconded by Commissioner Whitworth, to find no reasonable grounds to believe that Respondent Wal-Mart Stores East, LP subjected Complainant Abdulaziz Omar to unlawful discrimination on the basis of race, color, ancestry, national origin, and religion; and also to find no reasonable grounds to believe that Respondent Wal-Mart Stores East, LP subjected Complainant Abdulaziz Omar to unlawful retaliation because he complained about discrimination and filed a workers' compensation claim. 5 in favor | 0 opposed.

PA12-0214: Candace Antonelli (Center Ossipee, NH) v. Maine Street Night Club (Ogunquit). Complainant was not present. Commissioner Clark moved, seconded by Commissioner Chandler, to find no reasonable grounds to believe that Respondent Mainestreet Night Club discriminated against Complainant on the basis of sex, sexual orientation or disability. 5 in favor | 0 opposed.

**EXECUTIVE SESSION:**

Commissioner Chandler moved, seconded by Commissioner Clark, to move into executive session at 12:14 p.m. to discuss litigation with Commission Counsel pursuant 1 M.R.S.A. §405(6)(E). 5 in favor | 0 opposed.

At approximately 12:21 p.m. Commissioner Chandler moved, seconded by Commissioner Whitworth, to come out of executive session. 5 in favor | 0 opposed.

**LITIGATION:**

At approximately 12:22 p.m., Commissioner Chandler moved, seconded by Commissioner Clark, for the Commission not to file a court complaint in the following “reasonable grounds” cases:

- E10-0487: Ingrid Carlson v. Central Maine Medical Center (termination because of physical disability)
- E11-0211: Therese Nyamahoro v. Employment on Demand Agency, Inc. (termination because of race/color)

5 in favor | 0 opposed.

Commissioner Chandler moved, seconded by Commissioner Clark, for the Commission to file a complaint in the “reasonable grounds” cases H12-0148 and -0149, Wyatt Smith and Kirstin Keirstead v. Leon White, Cherri White and George Josslyn. 4 in favor | 1 opposed. (Clark opposed).

Commissioner Chandler moved, seconded by Commissioner Whitworth, to approve the settlement agreement in H11-0755, Amanda Turcotte v. Right Investments, LLC, and Roland Bisson. 5 in favor | 0 opposed.

**ADJOURN:**

There being no further business to come before the Commission, Commissioner Chandler moved, seconded by Commissioner Clark, to adjourn the meeting. 5 in favor | 0 opposed.

The meeting was adjourned at 12:32 PM.

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

### CONSENT AGENDA

E10-0537: Wayne Reed (Philadelphia, PA.) v. Portland Road Services, Inc. d/b/a Cash Energy (Scarborough)	NRG
E10-0578: Patricia Whitney (Ellsworth) v. Asham Supermarket d/b/a Basel's Bar (Columbia)	NRG
E11-0463: Jean deGrandpre (Portland) v. Bath Iron Works Corporation (Bath)	NRG
E11-0478: Francisca Rivers (Durham) v. Central Maine Medical Center (Lewiston)	NRG
E11-0513: Carol Grant (Oakland) v. Mount St. Joseph Long Term Care Community (Waterville)	NRG
E11-0514: Elyse Davis (Arundel) v. Kennebunk Free Library (Kennebunk)	NRG
E11-0537: Terry Andrews (Wales) v. Motivational Services, Inc. (Augusta)	NRG
E11-0553: Peter Soucy (Leeds) v. Bath Iron Works Corporation (Bath)	NRG
E11-0636: Patricia Vadeboncoeur (New Gloucester) v. TD Bank NA (Portland)	NRG
E11-0684: John Rogers (Calais) v. City of Calais (Calais)	NRG
E11-0743: Sandra J. Morison (Standish) v. Hannaford Bros Co (Portland)	NRG
PA11-0750: Ryan Kinch (Levant) v. University of Maine at Augusta (Augusta)	NRG
E12-0142: Heather Caouette (Skowhegan) v. New Balance Athletic Shoe, Inc. (Boston, MA)	NRG
E12-0169: Glenn Beals (Brunswick) v. Grimmel Industries, Inc. (Topsham)	NRG
E12-0172: Shawn Deprey (Hermon) v. Sargent Corporation (Stillwater)	NRG